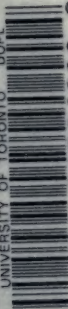


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FROM DARKNESS TO LIGHT.

HISTORY

OF THE

EIGHT PRISONS which HAVE BEEN, or ARE NOW,
in MONTREAL, from A. D. 1760 to A. D. 1907—
“CIVIL and MILITARY.”

Containing many CURIOUS, INTERESTING and FOR-
GOTTEN ITEMS of OLDEN TIMES, from
AUTHENTIC SOURCES and RECORDS.

BY

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F.C.C.S.,

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Author of 22 Volumes on the History, Geography and
Biography of Canada, and General Literature.

MONTREAL

1907

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MONTREAL.

DEDICATION.

To the Honorable Lomer Gouin, Esq., K.C., etc., Premier of the Province of Quebec, Canada, and Attorney-General of the same.

DEAR SIR:

Permit me to dedicate to you, this unique and important work on the prisons, Civil and Military, which are now or have been in Montreal from A.D. 1760 to A.D. 1907.

You hold the highest position, as the Premier of the Province and Attorney-General of the same, in "The administration of Justice" in the Province.

As Premier, you are the worthy successor of those Premiers who went before you since Confederation, but especially the Honorables Mercier, Marchand and Parent, your immediate predecessors, who, all of them in their several careers since Confederation, have endeavoured to unite the different racial elements of this Province, so as to make it *Canadian*, not sectional or denominational in any way, but *National*.

By your own innate energy, you have obtained, not only for this Province but for the others of the Dominion, an increased annual subsidy, which demand had been a contention since Confederation.

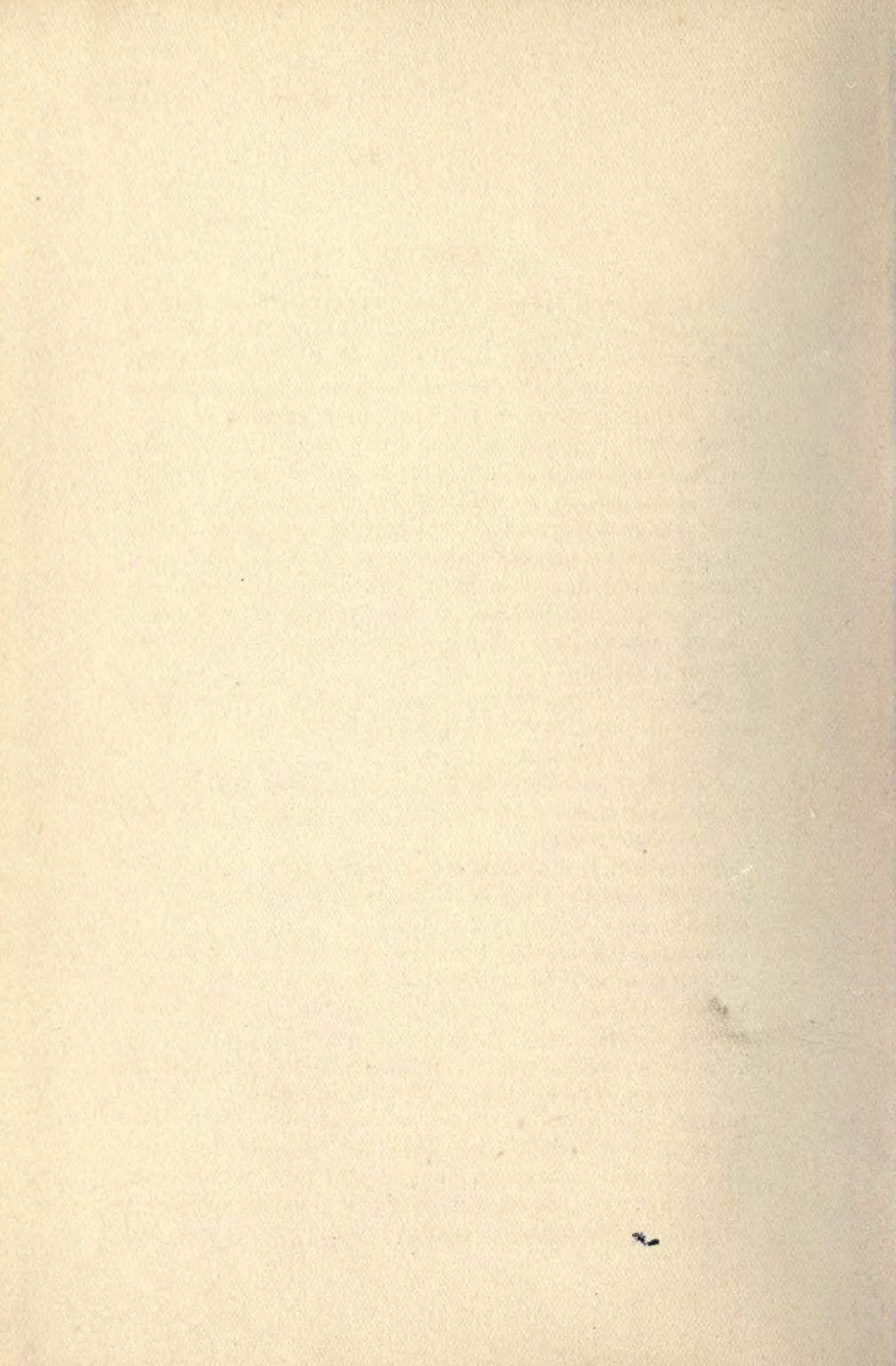
The position as Chairman of the Conference of Premiers, given to you by all your confreres, acknowledged, on their part, the confidence they reposed in you, to bring this contention to a successful issue, which you finally have done.

Wishing you a long, useful, and prosperous life in your public life,

I remain,

Yours truly,

REV. J. DOUGLAS BORTHWICK, LL.D.



PREFACE.

Having been frequently requested by many persons interested in prison reform and the criminal classes, to write a complete record and history of all the gaols which have been or are now in Montreal, and the wonderful changes and transformations which have been effected in their government during the period of 145 years—i.e., from the commencement of the English regime in 1760, to the present day—I do so, for these reasons, 1st. During my own long incumbency of 42 years as the Chaplain, very many, nearly all, of these changes have taken place, and 2nd. My former history of the present Montreal Prison was almost entirely made up of the sketches of the Troubles of 1837-8-9—The St. Alban's Raid—The Fenian Raids and Fullum Street Female Prison.

We have, therefore, two most important periods never touched on, viz., from A. D. 1760 to A. D. 1784 and from A. D. 1886 to the present day.

From A. D. 1760 to 1764, the country remained under the Military government of England and we have no records of these four years.

From 1870 to the present day nearly all, if not all, the principal changes have been effected "From Darkness to Light."

When we consider the sentences now meted out to prisoners with those of 80 or 100 years ago in Montreal, we are indeed amazingly struck at the changes in "The Administration of Justice" in this City and District.

Fancy a judge, now, of the King's Bench, condemning six men for various kinds of theft to be hanged. Let us enlarge and analyse the list, as culled from the records of the term, 15th September, 1815, less than 100 years ago. Two men were condemned to be hanged for horse-stealing, two for burglary, one for shop-lifting, and one for larceny—all were, by the records, executed.

Again take the November record of King's Bench for 1821, when two men were hanged for forgery. Again in 1825, two men were hanged for horse-stealing and in 1836, the year before the Rebellion, two men were hanged for burglary.

Those were the days, when short shrift was made and given between the sentence and its execution, as the following extract shows:—

At the Session of the King's Bench on 7th March, 1803, this sentence was pronounced on a prisoner guilty of murder—"That the prisoner be taken from hence to the Common Gaol of the District, from whence he came, and from thence, the day after to-morrow, that is to say, on the 9th day of March instant, to the common place of execution, and that, then and there, be hanged by the neck, till he be dead and that his body immediately afterwards, be delivered to Charles Blake, Esq., of Montreal, surgeon, to be dissected and anatomized."

Some people still speak of "The Good Old Times," well, the above examples prove the opposite and the records of this book will fully bear out the other side, that these good old days were barbarous. Human life was cheap in these "good old times". A horse or a cow or a sheep, or some petty larceny or miserably forged paper, they were all more valuable than a man's life. But what could judges do? In France and England and other countries it was the same. They had only to follow precedent. Apropos to this, I may here insert a late notice, from London, England, of the opening of the new Central Criminal Court and the remarks of our gracious King Edward, who opened the building:

London, Feb. 28, 1907.—The new central criminal court erected on the site of the historic old Newgate Prison, commonly known as the Old Bailey, was opened yesterday by King Edward, who was accompanied by Queen Alexandra. The function was a semi-state affair. The streets traversed by the royal procession were decorated with bunting and lined by large crowds. The Lord Mayor and the sheriffs, in their robes of state, met Their Majesties at Temple Bar,

where the Lord Mayor presented the King with the city sword. In a pavilion in front of the new sessions house an address was presented to the King. He replied, and declared the building to be open. Their Majesties subsequently inspected the interior of the court house, the corner stone of which was laid in 1902.

The King, in reply to the address, referred to the "barbarous penal code" administered within the walls of the old building, and said he rejoiced at the fact that this was being "gradually replaced in the progress towards higher civilization by laws breathing a more humane spirit and aiming at the nobler purpose of reforming criminals by showing mercy to first offenders, which often proved the means of reshaping their lives."

Now let us look for a moment at the times of 1837-8.

We find, then, when hundreds of political prisoners occupied both the old and the new gaols, that the food of each was "one and a half pounds of bread daily with a gallon of water." Long before this, at the commencement of the century the old regulations were as follows—"Each prisoner shall, during his confinement, while in good health, be fed on brown bread or biscuit and water and other common but wholesome aliments, such as roots, etc."

In 1837, one of the Patriots gives the following as his description of his cell, "Une cellule où un homme pouvait à peine se retourner quand il était couché. Point de lit ni de paille, pas même une couverture."

The size, of course, of the cells remains the same at the present day, but every prisoner has a good bed and warm coverings.

But the most extraordinary changes in the betterment of the gaol have all taken place through the untiring energy of its present Governor—Le Chevalier C. A. Vallée, a gentleman who has put his whole soul into his work. The most simple items (need not be mentioned here) have been introduced for the comfort and respect of the prisoners for themselves, and their behaviour testifies that they appreciate what has been and is being done for them.

Of course, without having been supported by the present well-known Sheriff and by the Attorney-General of Quebec and others holding that office in previous years, not so much could have been done, but to the Governor, as the Originator and Promoter of these improvements and reforms, all the praise is due.

Many of the longer items have appeared in the different volumes published by me in past years; all now is collected in one volume, to which I ask the favorable support and opinion of an intelligent and reading public, such as is found in the Province of Quebec and throughout all Canada.

J. DOUGLAS BORTHWICK, LL.D.

MONTREAL, 1907



This Prison was built in A.D. 1886.

PART I.

HISTORY of the EIGHT PRISONS of MONTREAL from A. D. 1760 to A. D. 1907.

The present prisons in Montreal are not the first which have been erected in this city.

During the last years of the French Regime, and for years after the commencement of the English Regime, the Prison of the "Town of Montreal," stood on what was afterwards called "The Crystal Block" in Notre Dame Street and on the north side, not far from Place d'Armes' Square.

In the year 1804, Lieut.-Governor Milnes gave this land and the buildings thereon to the authorities of the Church of England, for the purpose of there erecting a suitable place of worship. A fine church with a lofty spire and bell was erected and continued for many years the principal place of worship for the Anglican Church. It was unfortunately burned down to the ground on the 10th December, 1856. The writer well remembers the night—the military were called out, and by their heroic exertions saved everything, books, cushions, vestments, etc. The organ and fine bell in the tower perished.

The land on which the present Court House stands—the late Neptune's Fountain—the site of the City Hall (Hotel de Ville), once a fine garden—the Champ de Mars and a considerable part of the south portion of St. Lawrence Main Street and adjoining lands and streets, all belonged to the Jesuits (Society of Jesus) in these olden times. Their first establishment in Montreal was erected A. D. 1692 and continued till after the Cession in 1760, when the British Government took possession of the property and

built the second prison in 1783 on the spot where stood the late fountain and including a part of the land on which the Court House now stands.

This Prison was built by the Government patronizing a lottery to raise funds for its construction. Two names appended to the lottery tickets, that of J. McGill and Pr. Guy gave it respectability when sanctioned by Governor Haldimand. For curiosity's sake, we give copies of the English and French lotteries. It must have been successful as the Prison was built between what is now the Court House and the City Hall. Here is the Governor's letter:

QUEBEC, 31st July, 1783.

My Lord,—I have the honor to transmit a copy of the proceedings of the Legislative Council during the last session and the ordinances which have been passed in it, and to which my assent has been given.

I had some reluctance to give my assent to the Ordinance for raising by lottery a sum of money for the purpose of building a prison at Montreal, but as a prison was necessary and is I think it very unjust that the money of the British nation should be employed in providing local conveniences for the inhabitants of this province, I gave my assent to it.

My Lord,—

Your Lordship's most obedient and most humble servant,
FRED. HALDIMAND.

Right Honorable Lord North.

Endorsed, Quebec, 31st July, 1783.

GOV. HALDIMAND.

LOTTERY TICKET FOR BUILDING OF
MONTREAL JAIL IN 1783.

No. 890 LOTTERY for building a Prison for the
Town and District of Montreal.

THE BEARER of this TICKET, will in pursuance of an ORDINANCE of the Governor and Legislative Council of this Province, passed in the TWENTY THIRD Year of HIS MAJESTY'S Reign, be intitled to such BENEFICIAL CHANCE as shall belong thereto, in the LOTTERY, to be Drawn in pursuance of the said ORDINANCE. AND PROVIDED the Lottery should not be drawn on or before the third Day of February 1784, the Money to be returned, on giving up the Ticket, without Deduction.

LOTTERIE pour Batir des Prisons, pour la Ville
No. 890. District de Montreal.

LE PORTEUR de ce BILLET, en consequence d'une ORDONNANCE du Gouverneur & Conseil Législatif de cette Province, passée dans la VINGT TROISIEME Année du Regne de SA MAJESTE, recevra pour BENE-FICE, le Prix qui appartiendra audit Billet de ladite LOTTERIE, quise tirera conformément à ladite ORDONNANCE; pour-vu que le TIRAGE soit fait le ou avant le troisieme jour de Février 1784, ou l'argent sera remboursé en rendant le Billet, sans déduction.

This second Prison was burned down in A. D. 1803 and it was replaced by a new one (the fourth) in the year 1806.

We have no records of what building was used during these three years as a Prison, till the fourth was built, although we find in the records of the Court of King's Bench, September, 1803, that the judge ordered a prisoner to be sent to the "Temporary Gaol" (the third). It may have been the old cells which were built behind the large structure, which for years was the office and Court of the Recorder of Montreal previous to the erection of the present

City Hall just as the Chateau de Ramezay was the Circuit Court for several years. This building is now swept away with all its adjuncts in the recent improvements of the Market in connection with Bonsecours.

This fourth prison was a two-story building, with a central part and a pediment surmounted by a small dome, and a wing at each end or side. It faced Notre Dame Street and the back abutted on the Champ de Mars. This prison stood for years after the Rebellion of 1837-8, and we find that then scores of political offenders were sent to the "New Gaol," as it was then called, the present one in Notre Dame Street (east), because the city prison was full of patriots.

It is with these first four prisons that the primary part of this history will treat and then proceed to that of the present prison built A. D. 1836, the two military prisons and the Female Prison.

Perhaps it may be as well, before beginning, to give a short description of the different modes of punishment in vogue during this period, so that every one can fully understand what was the result of those sentences meted out on criminals in those olden times of Montreal.

We all know that the prevention of crime is the result for which no true lover of his country would deem any effort too great or any sacrifice too costly. Rapid, indeed, have been the strides which Christian philanthropy and charity have made during the past century. Yet, all this will be in vain, if prisoners are not fully employed, both mentally and physically, in useful avocations and employments, whilst undergoing their sentences.

In England there are four punishments in vogue, viz. hanging, the tread-mill, now being gradually dispensed with, flogging, and solitary confinement.

During the last 40 years of the 18th and the first 35 years of the 19th century, the punishments in Montreal were BURNING ON THE HAND, THE PILLORY, THE STOCKS, FLOGGING and HANGING.

Among the various indictments "Whipping, Flogging and Lashing" are used as the same punishment, also in several instances, "Whipping and tied to a Cart's Tail."

DESCRIPTION OF PUNISHMENTS.

BRANDING OR BURNING ON THE HAND.

In the Court, January, 1784, the sheriff reminded the Court that all persons sentenced to be "burned in the hand in the Court of King's Bench may receive their punishment in this Court agreeable to sentence." Let us describe what burning in the hand was. This is the first instance of its being mentioned as a punishment on malefactors. It is often spoken of during the first 25 years of the 19th century. The punishment consisted thus. The prisoner was brought from the gaol into the court room, and his right or left hand made firm by an iron hand at the back of the dock, the palm part of his own hand being opened tightly. The red hot iron, sometimes ending either in a crown or some other device, was held ready by the common hangman, and the punishment was inflicted in the centre of the palm. The instrument being ready, the prisoner is informed that the moment it touches his flesh he can repeat as fast as he can these words in French, "Vive le Roi," three times, and at the end of the third repetition, the punishment would cease, or the words "God save the King," if he were an English prisoner. Even in this short time, the hot iron has hissed into the flesh, and made such a mark that all the waters of the St. Lawrence could not efface it.

THE PILLORY.

The pillory was a senseless and useless punishment. It consisted of a frame of wood erected on posts with movable boards and holes, through which holes, they put the head and hands of the criminal for punishment, the machine turning on a pivot and in a circle. It was inflicted near the market place of the old city on the prison ground and near the old Guard House and in later times at Nelson's monument the culprit faced the river and market. The common hangman attended and with whip in hand, when the wretch wheeled round to face the monument and save himself from the shower, perhaps, of rotten eggs or mud, used it

sometimes unsparingly, and made the culprit turn round again on the pivot and face the people.

In the January Sessions of 1769, the first example of any one being put in the pillory is recorded. L. Beauvais is condemned "to stand there from nine to eleven o'clock," and it adds, "for three market days." This sentence seems small enough on paper, but terrible in fact even for one day only.

THE STOCKS.

Let us explain what this punishment, the stocks, means. We read of the Apostles St. Paul and St. Silas, in the gaol of Philippi, having "their feet made fast in the stocks." King David says of Joseph, "whose feet they hurt in the stocks," and in Jeremiah we read, "Thou shouldest put him in prison and in the stocks." It consisted of a machine of two pieces of timber with cut out half circular holes in each board, which when brought to stand one upon another, narrow-wise, formed two complete holes, into which the ankles of the prisoners were placed, the two pieces being then firmly locked together.

FLOGGING, WHIPPING OR LASHING.

This mode of punishment needs no description and its application can be seen many times in this history, when women even, received it both publicly and privately. The number of lashes varied according to the Court, but almost in every instance the number was 39.

This was the ancient Jewish number, for St. Paul writes: "Of the Jews, five times received I, forty stripes save one."

Generally, in the last years of last century the "Cat" was administered at Nelson's Monument. Those condemned to the "Cart's Tail," were taken to different parts of the town and their number of lashes were divided between the different localities, as we can see in the elaborate sentences of the judges ordering such. In the very first instance of felony, May, 1765, we find that the sentence pronounced on two men and a woman was this, that the two men were "to be stript to the waist" and the woman was "to have her back only stript" and "each tyed to the cart tail."

Now what was this operation? From the earliest ages the end of any thing or animal has been called its tail, so the part of a cart or any such vehicle which is farthest from the animal's head which draws it has been called the cart's tail. The culprit had his or her hands tied to this part and was punished (as the driver went along a specified route) by another man who applied the whip. In this instance there must have been three carts.

What would the citizens of Montreal feel, if such punishment was still in vogue? It was bad enough for a man, but for a woman—horrible.

Only once in my 42 years experience of prisons and their inmates have I ever heard utterance referring to the cart's tail. One of our best judges of the King's Bench (it was Queen's Bench then) said to me, in re, a prisoner of good family charged with abduction, "The scoundrel deserves to be tied to the cart's tail and whipped through the city."

After the troubles of 1837-8 there remained only three capital crimes for which death by hanging was adjudged.

These were, murder, rebellion and rape—since that period no man has been hanged for the last, although in 1876 a prisoner for that crime received 10 years in the Penitentiary, and in 1878 two men for the same crime received, the one imprisonment for life, the other sentenced to be hanged, was reprieved, and received the same sentence. After serving 22 years, he was pardoned, at the commencement of this century.

For high treason and rebellion the only instance is that of Joseph Riel of Manitoba.

Of the first MURDER, many have been arraigned, but very few executed, pleas of necessity, self-defence or accident constituting manslaughter or homicide were advanced when the trial took place and generally carried.

BENEFIT OF CLERGY.

As not one person in a thousand could tell us what this claim is, the explanation is now inserted, with the following memo. as the Caption.

In the March term of the K.B., A.D. 1818, a man convicted of grand larceny was ordered to be hanged, but he "prays for the Benefit of Clergy," which being allowed him by the Court, he was sentenced to two years in "The House of Correction."

It was an ancient privilege allowed to the Clergy of claiming those accused of felony to be delivered up to the ecclesiastical judge—always favorable to his own order—for compurgation, instead of being tried in the ordinary way before the lay judges of the land. In ancient times few persons except those in Holy Orders could read, and accordingly the test for an accused person claiming benefit of Clergy was his ability to read. If he could not, the courts would not part with the defendant, but proceed to try him as if he were a layman. Afterward, when education became more general, other persons besides Clergymen were able to read; and so, in the reign of Edward III., Parliament extended the privilege of Clergy, as it is called, to clerkly laymen until the reign of Elizabeth. Women were not allowed their Clergy until the reign of William and Mary, when Parliament extended the benefit to them. In the reign of Henry VII., however, a blow was aimed at this singular privilege as enjoyed by laymen, and a statute was then passed against "divers persons lettered, who have been more bold to commit murders, rapes, robbery, theft, as well as other mischievous deeds," which enacted that persons "not within Holy Orders," accused of these offenses, and convicted thereof, were in cases of murder to be marked with the letter "M" on the brawn of the left thumb, and in all others with the letter "T," to denote, it is presumed, that the person had been guilty of theft. In cases of high treason, benefit of Clergy was never allowed to be pleaded. It is stated that when an accused person claimed his Clergy it was usual to test his learning by requesting him to read the first verse of the fifty-first Psalm, which in Latin begins with the words "Miserere mei Deus." In addition to the extraordinary character of this proceeding, in which a touch of grim humor seems perceptible, its absurdity is apparent for, of course,

men might easily have coached themselves up in the required test. The ecclesiastical judge, who was generally the Bishop, might, however, have given the defendant anything else to read, and, in either case, in the event of his inability to comply, might have handed him over to the law, and this proceeding generally meant death. A custom which favored criminals solely on account of their good education appears to us, when it is justly thought that superior intelligence adds a stain to criminality of any kind, to be in the highest degree absurd; yet we are told by able writers that the benefit of Clergy or learning—for "clergy" is here tantamount thereto—was not so ridiculous as it seems. Without saying more on the subject, it may be stated that the privilege was abolished in the reign of George IV.

Lastly, we may insert here, taken from my Gazetteer, one of the punishments meted out during the French regime on a murderer in Montreal, which shows when the execution took place, and only eight years before the Cession of 1760.

The Red Cross is at the corner of Guy and Dorchester streets, which for a century and a half has so prominently marked the burial place of Belisle, the murderer, and has long been an object of curious speculation. The popular story is that it marks the grave of a notorious highwayman, who robbed and murdered *habitants* returning from Montreal to St. Laurent and the back country by Dorchester street, which was at that time the only highway west of St. Lawrence street. This story is somewhat incorrect. Belisle was not a highway robber, his crime was house-breaking and a double murder. He lived on Le Grand Chemin du Roi, now called Dorchester street, near the spot where the Red Cross stands. On the other side of the road, and a little higher up, Jean Favre and his wife Marie-Anne Bastien lived. Favre was reputed to be well off and to have money in his house. This excited the cupidity of Belisle, who formed the project of robbing his neighbor, and accordingly, one dark night, broke into the house and fired his pistol at Favre, when, however, only wounding him, he stabbed him to death with a large hunting knife. Favre's wife rushed in to help her husband, and was met by Belisle,

who plunged the knife into her breast, and then despatched her by a blow of a spade. Belisle was suspected, and soon after arrested, tried, convicted and condemned to the terrible punishment of "breaking alive" (*rompu vif*), which was then in force under the French régime in Canada. Belisle was condemned to "torture ordinary and extraordinary," then to be broken alive on a scaffold erected in the Market Place (the present Custom House Square) in this city.

"This awful sentence was carried out to the letter, his body buried in Guy street, and the Red Cross erected to mark the spot, as fully described in the following document, which is not only interesting but historically valuable:

" 'Extrait du Requisitoire du Procureur du Roi.

" 'Je requiers pour le Roi que Jean Baptiste Goyer dit Bélisle soit déclaré dûment atteint et convaincu d'avoir de dessein prémédité assassiné le dite Jean Favre d'un coup de pistolet et de plusieurs coups de couteau, et d'avoir pareillement assassiné la dite Marie-Anne Bastien, l'épouse du dit Favre, à coups de bêche et de couteau, et de leur avoir volé l'argent qui était dans leur maison; pour réparation de quoi il soit condamné avoir les bras, jambes, cuisses et reins rompu vif, sur un échafaud qui, pour cet effet, sera dressé en la place du marché de cette ville, à midi; ensuite sur une roue, la face tournée vers le ciel, pour y finir ses jours. Le dit Jean Baptiste Goyer dit Belisle préalablement appliqué à la question ordinaire et extraordinaire; ce fait, son corps mort porté par l'exécuteur de la haute justice sur le grand chemin qui est entre la maison où demeurerait le dit accusé et celle qu'occupaient les dits défunts Favre et sa femme. Les biens du dit Jean Baptiste Goyer dit Bélisle acquis et confisqués au Roi, ou à qui il appartiendra sur iceux, ou à ceux non sujets à confiscation, préalablement pris la somme de trois cents livres d'amende, en cas que confiscation n'ait pas lieu ou profit de Sa Majesté.

" 'Fait à Montréal le 6 Juin 1752.

" '(Signé,)

" 'FOUCHER ' "

THE HISTORY.

During the interval from the capitulation of Montreal and its receiving warrant to hold Quarter Sessions—that is, from 1760 to 1764, Canada was held in occupation by the British troops. General Gage commanded in Montreal, and General Amherst was the Chief Commander. Councils sitting in Quebec, in Three Rivers and in Montreal, regulated the state of affairs in the country. They were composed entirely of military officers. This government at last gave way to that granted by General Murray.

In October, of 1763, an important proclamation was issued in the name of “George III, King of England”; officers and men in it were offered free grants of land in Canada, and “all persons resorting in the said colonies might confide in His Majesty’s royal protection for enjoying the benefit of the laws of England.” More than 400 Protestants of British origin now became residents in Canada—the French population of the province being a little over 75,000. In November, 1763, the military form of Government was brought to an end by the appointment of General Murray to the office of Governor-General. His instructions were, as far as possible, to introduce the laws of England. Another thing required was that the inhabitants should comply with these conditions, viz.: “To take the oath of allegiance, to make a declaration of abjuration and to give up all arms in their possession.” It was found impossible to procure compliance with these orders, and the General modified them as much as possible. The oath of abjuration could not be taken by the Roman Catholics, as it involved a fundamental principle of their Religion, and therefore no Roman Catholic was sworn in as Justice of the Peace; that about arms was extremely distasteful; whilst that of allegiance to the English throne was taken readily and cheerfully. It took a little over a year to regulate all these matters, and on the 11th of January, 1764, letters patent under the Great Seal

of the Province were executed and sent to Moses Hazen, J. Grant, John Rowe, Francis McKay, Thomas Lambe, F. Knife, John Burke, Thomas Walker and others, making them Justices of the Peace of Montreal and vicinity. Among these names are two French names, who were Swiss Protestants, and had come to the country. Hence arose the saying of a French Protestant being "a Swiss," and which title is given to everyone in the Province of Quebec, whether he is born in Europe, America or Canada, who, being French, professes the Protestant religion. The title officially given to General Murray in this document is, "The Honorable James Murray, Esq., Captain General, Governor and Commander-in-Chief over our said Province of Quebec and the Territories depending thereon in America, and Vice-Admiral of the same." This was dated from "Our Castle of St. Louis" in the city of Quebec. The first general Quarter Sessions of the Peace were held on the 27th December, 1764, and "there were present Moses Hazen, J. Dumas, F. Mackay, Thomas Lambe and Francis Knife"; the court adjourned to January, 1765. The first item in the administration of justice in Montreal was a case of assault and battery. A soldier of the 28th Regiment. Michael Dugars, was plaintiff. After investigation, the defendants were discharged. It was the result of ill-feeling between the men, who had been drinking.

In the May Term, a man in gaol for "treason," petitions the Court to let him out on bail; no matter of fact being charged against him. "He is admitted to bail in a surety of £1,000 for himself, and £800 each for two friends."

The first instance of "felony" is adjudicated on at this Court. It was a case of a man and his wife, with a negro, stealing different articles. It is thus recorded: "Sentence of William and Elinor March, and George the Nagre." "They are to go back to the place of their confinement, the said William March to be stript to the waist, and Elinor March to have her back only stript, and the said George, the Nagre, and each tyed to the cart tail, and, beginning at the gaol or prison, between the hours of eight and nine in the forenoon on Friday next, they

are to proceed along, round by the Intendants and then to the Market Place, and round by Saint Francis Street and through the Parade, to place begun at, during which round they are to receive 25 stripes each on the naked back, besides 25 stripes each on the naked back when at the Market Place." This is the first instance of a man and woman being flogged. Elizabeth Upton is also condemned by the same Court for felony: "That she go back to prison and there receive 25 stripes, and then be discharged."

On the opening of the Court, July 22nd, 1765, the names of the Justices are, Jos. Dumas, Daniel Robertson and Isaac Todd. It seems that our friend, "the Nagre," either didn't think much of his 50 lashes received three months previously—or that the cuticle of his back, like his skull, was so thick as to defy "the cat." We find him at this Court again a prisoner for stealing "two pieces of silk ribbon." Knowing there was no use of prevarication, as a witness swore dead against him, he acknowledged his crime and pleaded guilty. This is the sentence which he received: "That the said George, between the hours of 9 and 10 o'clock on the forenoon of Tuesday, the 22nd August, be stript naked to the waist, and tied at a cart tail at the gaol, and then to receive 10 stripes, and at Mr. Dechambeaux's corner 10 stripes, and the Pt. Street this side the General's 10 stripes, and at Mr. Landruve's corner 10 stripes, and proceed to the Court corner and then receive 10 stripes, and on the Parade 10 stripes." Let us sum up this sentence: Six times in his march he had to stop and receive each time 10 stripes on his naked back with the cat-o'-nine tails.

In the sitting of the Court, August 2nd, 1765, a French-woman, named Margaret Tourangeau, for stealing "a piece of camblet—whatever that is—is sent down to be "set for one hour in the stocks." This is the first instance of these Old Country instruments of punishment being mentioned and used in Montreal. They were in common use in the New England Colonies.

It is remarkable, that in the records of the Court of Quarter

Sessions and for some years after "The Cession" in Montreal, there are very few French names before the magistrates for those crimes, for which punishment by whipping, or the stocks, or pillory, or branding on the hand, was meted out. This shows how thoroughly they obeyed the Curés to respect the Laws and be faithful in their allegiance to the British Crown, and they showed it ten years after, when the revolted American Colonies tried to make them swerve from their oath. This remarkable fidelity has continued through the centuries, except 1837-8, which was more of an internal political upheaval than a regular rebellion.

In the Court of January, 1767, a number of persons were fined for not making "a road at the upper end of St. Lawrence suburbs."

In the December Court, Jno. Dumas and Daniel Robertson, being the two magistrates, the order is given to tavernkeepers not "to harbor all or any bond or free servant, slave or slaves, or any private soldiers."

In the Court held July, 1768, Anne Ferguson and Sarah Saywood are both discharged from arrest. In the cases of *The King vs. Henry Smith*, and *The King vs. Hugh Murray*, we see again these four names are purely English.

In the General Sessions of October, 1768, one of those disgraceful acts was performed which was a shame to any Christian country to tolerate. In the case of *The King vs. Anne Lyneford*, for "larceny," she is found guilty and her sentence carried out, was as follows. Knowing the nature of her punishment, "she put herself on her country" (whatever that meant), but, nevertheless, received the following punishment: "She is to be tied to a cart's tail and conducted, naked to the waist, to Quebec Gate, where she is to receive 5 lashes, and also 5 lashes at the Old Chapelle, 5 lashes at the Chateau, 5 lashes at Landruve's corner, 10 lashes at the Market Place, 5 lashes at the corner of the Court House, and she is then to be discharged on paying her fees."

In the January Sessions of 1769, a Frenchman, of the name of Pierre Girard, is arraigned for stealing flour and wheat.

The jury find him not guilty, and add: "He is a perfect, honest man"—a high eulogium to be given on one who, ten years just before, belonged to the French colony of Canada. At the same Court the first example of any one being put in pillory is recorded. L. Beauvais (this time the culprit is a Frenchman) is condemned "to stand there from 9 to 11 o'clock," and it adds: "for three market days."

The first Frenchman "publicly whipped" was so ordered by this Court. Augustin Morin, being found guilty of larceny, was condemned "to receive 35 lashes divided into equal parts," at the different points before mentioned, and tied to the cart's tail. How did they divide the 35 into equal parts?

In the August term of the Court, 1769, a French girl, named Lizette Canis, for "felony," was condemned "to be stripped half naked, and tyed to a cart's tail," and she went the same route and received the same number of lashes as Anne Lyneford.

Nothing appears of any importance for the next three or four years. The rumblings of discontent in the Colonies of America were being heard in Montreal, and the Sessions of the Court were irregular and sometimes far between. The Tea exploit at Boston, in 1774, had really started the "War of Independence," and so it continued till, at the General Sessions held on September, 1775, we find the reports written in the French language. This was, no doubt, because the two magistrates were John Marteilke and John Dumas, French Swiss Huguenots.

A man at this Court, John Smith by name, had four indictments against him for "larceny." He was found guilty of them all, but judgment was suspended till next term.

The next term was never held, nor any record made, as there are many blank pages immediately succeeding the records of this Court. The Court does not open again, till January, 1779.

During these intervening years the inhabitants of Montreal had much to do to show their fidelity to their king, and their new king, and their approval of the way the British had governed since 1760. All available men were now required for the defence of the country. Among the New Englanders things

had been getting, in relation to Great Britain, from bad to worse. We all know that on July 4, 1776, the Declaration of Independence severed these thirteen States for ever from England, and made a new nation, destined to be one of the most progressive and remarkable of the earth.

This was a memorable year in Montreal. The new Act, called "*The Quebec Act*" was to come into force on 1st May, 1775. But the events which ensued prevented the assembling of a new council till the close of the year 1778, and hence the blank leaves found in the old register of the Court.

Sir Guy Carlton, the Governor, brought into active effect the new council by creating it this year. Five of its members were French Canadians. The Court of Law were now reorganized to conduct business according to the spirit of the Act which had been passed by the British Parliament in 1774—but it took some months to get all things in working order, as the war still raged between Great Britain and her revolted colonies. However, when the Court opened January 9th, 1779, everything was arranged, and at the regular meeting in the March term we find several French names as Justices of the Peace. Out of the nine the majority, or five, are French—their names are as follows: Hertel de Rouville, Joseph Longueuil, Neveau Sevestre, Pierre Mizure and Pierre Fortier.

At the next Court, a letter is sent to General Powell, requesting him, relative to the mode of sending in civil prisoners. These prisoners were deserters from the military.

At the next Court, the September term, the name of James McGill first appears. His brother Justice is Pierre Fortier, and the first case was selling liquor without a license. The first instance of a soldier selling articles of his kit to a civilian occurs in this Court.

We find in the Court of January, 1780, that every item is "for selling liquor without a license." In the April term a Jew is before the Court for receiving stolen goods "knowing them to be stolen."

In the January Court of 1781, there is mention made of a name, a descendant of whom, I presume, figured as the last

Patriot hanged in 1837-38, and by whose name the old Colborne Avenue is now called. It states that Chevalier de Lorimier brought complaint against Louis Cuvillier, that he "neglected his business as 'ferryman' at Lachine." These two names recall well known ones in the History of Old Montreal.

At the same Court a man named James Laberge "put himself on his country," but, nevertheless, received this sentence, "that he is to be confined in gaol till 11th next May, then to be put for two hours in the stocks, and that he, forthwith, after the punishment, quit the Parish of St. Mary's, Montreal."

In the next Court, held in September, 1781, is recorded the sentence of the murderer, William Blunt, which was carried out in due form, not long afterwards. Another prisoner, Elijah Laurence, for "grand larceny," is convicted and also sentenced "to be hanged, with a recommendation to mercy," and he received incarceration instead.

No capital sentences were pronounced in Montreal during the years 1782 and 1783, although in Quebec five men were hanged for "highway robbery," and "grand larceny," three of them being soldiers of the garrison.

In the Court of January, 1784, "John Fraser, Judge of Common Pleas, Montreal," prays for "payment of arrears while a prisoner with the Rebels." Whether he were taken prisoner when Montgomery captured Montreal and was carried off as a sort of hostage, or captured at some subsequent date, there are now no means of knowing. It shows, however, that he was a prisoner with the Americans and had returned to Montreal.

A man named Francœur was placed in the stocks "with a paper label on his breast," with these words, "for theft," on it, "and then afterwards he was to be discharged." He was placed on two market days (Fridays) between 11 and 12 o'clock, so that all might see him.

The Sheriff reminded the Justices at this Court that all persons sentenced to be "burned on the hand" in this Court may receive, now, their sentence—punishment—and all such were so treated.

In the March term, eight men for "grand larceny," were condemned and sentenced to be imprisoned and "burned on the hand." Two Frenchmen were ordered "to be twice whipped in the public market of Montreal by the common hangman."

May Josette Potdevin was condemned "to be placed in the stocks, with a label on her breast, specifying her crime."

In the September term Hy. Church and Louis Mendoux, "for stealing cattle and sheep," were condemned to be hanged, and were executed. Antoine Hughie, John Miller and Diedrich Fletcher, for "receiving stolen goods," were imprisoned and placed in "the public stocks." John Abbott and Henry Arekle, for "grand larceny," were imprisoned and "whipped by the common hangman."

The city and environs at the time were in a deplorable condition on account of the unsettled order of events. In a communication of date December, 1784, and signed by James McGill and Joseph Longueuil in behalf of the magistrates of Montreal, they pray "the Governor for military assistance to be joined to the civilians, in order to allay the terror of the frequent robberies in the Town, suburbs and adjoining neighborhood, found to be committed by disbanded German soldiers."

In connection with this appeal, it may be stated that Great Britain, to her shame, hired some thousands of German troops, to aid her in the War of Independence of her British Colonies. These troops always received the name of Hessian, from a German duchy, and we must remember that the four Georges, Kings of England, were German. I presume this German regiment came from the American States after the peace and was distanded here in Montreal.

1784.—Bonaventure Viger *vs.* Sieurs de la Broquery et Augustin Quintal. This action arose in a complaint against the defendants for not paying the fines or imprisonment of 7 pigs, and was put off till a future day. When it arrived the defendants appeared, and "say that they are syndics to the Common of Boucherville, and as such, confess that 7 pigs from out of that Common were taken by the plaintiff." The Court condemned the defendants.

The Justices of Peace in those early days of Montreal's History had the regulating of the price of bread, as is seen in the following order:

1785.—5th September. At a meeting of His Majesty's Justices of the Peace, this day, it is ordered that the price and size of bread be as follows, viz.:

"The brown loaf of 6 lbs., 7½d. or 15 sols. The white loaf of 4 lbs., at 7½d. or 15 sols, and the several bakers do conform thereto and mark the initials of their names on their bread."

1786.—27th June. An assault case takes up the attention of the Court. Cesar Jahomet *vs.* Private Skr. Campbell. The plaintiff declares that he was struck by defendant, a soldier of the 34th Regiment. The defendant swears that he did not strike him, and Thos. Fairly, a comrade, on oath, declares that "on taking water at the Fountain, at the Mountain, near the City, they saw a dog, above them, at the stream, that they threw a stick at the dog, which happened to hit a Negro man, the plaintiff, who thereupon came down from the stream where the said dog was, and threatened said Fairly and the rest that he would and could fight any or either of them. That thereupon seeing himself and his comrade so threatened, he gave said plaintiff a blow and knocked him down."—Dismissed.

On the 11th July, Antoine Clement, Capitaine de Milice, brings up a suit against Nicholas Bertrand, for having carted and passed through the Parish of Sainte Genevieve loaded on the Sabbath. The defendant appears and confesses he did so, but adds, "he did not know of it being harm to cart after the Divine Service." Court condemns defendant to pay a fine of five shillings.

An instance of retailing spirituous liquors without license is next, when Louis Ducharme informs against Paul Tattous, who, having confessed he did so, on the 18th October—"for having done so for this year past without license," is fined £10 sterling, and "the plaintiff remits his part of the fine."

On the 22nd July, George Young, the keeper of the gaol, was also the crier of the court. He presented a bill at this

meeting, of over £30 sterling, for repairs to the Court House, which was ordered to be paid.

In the Court of Quarter Sessions, when it opened, 9th October, 1786, and as it states, "in the 27th year of the Reign of our Sovereign Lord, King George III," five Justices were present, and before them "François Babin, of the City of Montreal, surgeon, and a native of France," took the oath of fidelity and allegiance to His Majesty.

On the 1st January, 1787, the second instance of warrant for buying soldiers' articles is tried this day, when Captain Kemple prosecutes Godfrey Hetner, for "buying a shirt and waistcoat from one of the soldiers of the 34th Regiment."—Condemned "to pay a fine of £5 sterling and costs"; but it quaintly adds, "he is to be recommended as an object of charity."

On the 27th June, we find an authorization of the Justices to get a Doctor for the Gaol. Their names are James Finlay and Pierre Guy. It thus reads:—"Mr. George Young, keeper of the gaol, having presented a Petition to the Court this day, setting forth, that the prisoners in gaol, or several of them, are sick and unwell, there being no surgeon or doctor to attend them, praying that the Court would authorize him to get a doctor or surgeon to attend them, and that he may be reimbursed the expenses he may make in giving them relief. Court authorize him, the said George Young, to procure a surgeon or doctor to attend the said prisoners and to get them relief if necessary, and that the Sheriff be hereby authorized to reimburse the said George Young and charge the same to Public Account."

The first commitment "for driving and running over a child" is when John Mittleberger, a calleche driver, ran over the child of Jos. Fournier, and in the Court of 17th July, 1787, he was condemned to pay a fine of 20 shillings and costs.

On Tuesday, 10th July, Joseph Martin brings suit against Pierre Lefebvre for having insulted him without cause. The defendant says he "was at work and inadvertently spoke some insolent words in the presence of the Curate of the Parish."

Louis Bellair says, "he was at St. Genevieve and saw the defendant in a great passion, that he heard some infamous words, that the Curate, who was present, reproached him, that thereupon he spoke some disrespectful words to the Priest, telling him to go about his own affairs." Another man substantiated the above, and the Court thus gave judgment: "The Court is of opinion that the Plaintiff, as Captain of Militia, was on active duty when he reprimanded the defendant for swearing and speaking rudely to the Curate, that the language given by the defendant to the Captain is very wrong and of dangerous example, therefore order him to beg his excuse and to pay the costs of suit and 40 sols to each of the evidences, two days.

We wonder if any of the magistrates of the present day have ever recorded what is found, after the conviction of a man, "selling liquor without a license," at this same Court. After his sentence the Court adds, "But on account of defendant's loyalty and goodness of character, the Court recommends it to His Excellency the Governor, to remit such part of the said fine, as by the said statutes, is directed to be paid to the King's Majesty." They took good care to keep that part which appertained to Court fees.

On Tuesday, 8th June, 1788, and before no less than six justices, the following was read and acted on: "Received a communication from His Excellency the Right Honorable Guy, Lord Dorchester, appointing John Reid, John Burke and Charles LePailleur, Esqurs., Clerks of the Court of Common Pleas and Secessions of the Peace for the District of Montreal, when the said John Burke and Charles LePailleur took and subscribed the oath of office of Clerks of the Peace, and the said John Burke took and subscribed the oath of allegiance, supremacy and abjuration and also the declaration against Transubstantiation in open Court and was admitted accordingly."

The first instance of commitment for keeping a "disorderly house" came up at this Court, and was adjudicated on in the usual way.

It must strike every intelligent reader that for the past several years there have been no convictions which have resulted in the terrible punishments meted out in the first part of the English *régime*, but they came down like an avalanche at the beginning of the 19th century.

Evidently the mild and Christian measures adopted by the Courts during those years, had no effect, but when the century began, we find in the first quarter of that century, executions and convictions "galore," till the blood curdles, and we are compelled to say, "could such things have ever been in Montreal?"

It may just be as well, here, to show to the generation of the present day how military crimes and misdemeanors were punished by the commanders of the English troops, both in Montreal and Quebec. We do so, because it, too, testifies to the whole sequence of this book, showing the gradual "Light out of Darkness" into which the present generation of this country have arrived and what terrible punishments were meted out even to the military, for any direct infringement of discipline.

Let us go back, for instance, to the year 1759, the year Wolfe took Quebec. We find that a soldier named Wallahousen, for "disobedience of orders," received no less than five hundred lashes with the "cat-o'-nine tails." Those who have within the past few years seen prisoners receive twenty-five or thirty lashes can have no idea what this or some other more severe sentence means. Two sutlers, for selling liquors contrary to orders, received three hundred lashes and a fine each of £5, and were ordered to quit the camp in two days. They must have moved off with terribly lacerated backs, for a soldier, after his punishment, is generally sent to the hospital to recover. If the seller of whiskey nowadays received, say, fifteen or twenty-five lashes when it was disposed of without license or to minors or women, fewer cases would appear before the courts and more homes would be happy in Montreal. Another soldier, for leaving the works without leave, received one hundred lashes. Patrick Gordon, in 1759, for insolence to officers in

a public house, got one hundred and fifty lashes. Corporal Harsha, for striking a soldier, was reduced to the ranks and received two hundred lashes. Thos. Shepherd, for breaking into a store and stealing a keg of rum, received five hundred lashes, and had to give thirty shillings out of his pay. This was dear rum in every way, and should have made Thomas a teetotaler for life. His comrade, who helped him, seemed to be regarded as a less criminal, as he received only two hundred lashes and had none of his pay stopped. A soldier, "losing and making away with necessities and breaking arms," got one hundred lashes, and two shillings were weekly stopped from his pay till all was made good. A man for only "suspicion of theft," received three hundred lashes, and half his pay was stopped till value of silver fork stolen be paid. In November, 1763, Thomas Johnstone, for breaking open a store and stealing wine, etc., received five hundred lashes and stoppage of two shillings per week till all was refunded. Immediately after the above comes a paper containing an Indian outrage—some men of the 42nd Highlanders and 60th Rifles, who "were fired at when loading a waggon"—one was "killed, scalped, ripped open and his heart taken out." A soldier, for "firing at a deer and a pigeon, contrary to orders," received the unmerciful punishment of five hundred lashes. A horse driver, "for drinking Major de Hay's liquor while on the march," received five hundred lashes. A dear drink to the poor driver and one that, I think, should have made him never drink again. So strict were these military rules then that John Thorton received five hundred lashes for stealing wampum, etc., from an Indian. A soldier of the Royal Artillery, "absent without leave," got one hundred lashes. In 1779, we find the severest and most unmerciful sentences rendered. For rioting—Corporal Saum received five hundred lashes, Jos. Wilkins, private, one thousand lashes! D. McCaffrey, one thousand lashes! Sergeant Deck, one thousand lashes! and Charles White, private, three hundred lashes. Let us turn away from this disgusting sight, and thank God that the clearer light of Christianity and liberty has dawned upon our day in this twentieth century.

In the January Court of 1790, an old countryman, by name Andrew Symington, was condemned for "petty larceny," thus: "To be conducted to the pillory on the public market place of the Town of Montreal, between 10 and 11 o'clock of the forenoon, then and there to be whipt by the hand of the common hangman upon the naked back, 39 lashes, and then be discharged."

At the same Court, Michael Menony, for the same offence, received this sentence: "He be conducted to the pillory in the public market place of Montreal, between the hours of 10 and 11 o'clock of the forenoon, and then and there be exposed to the same for a quarter of an hour, with a label on his breast, with the word "stealing" wrote thereon, and afterwards to be discharged."

Nothing of importance in the year 1791.

On Saturday, 12th January, 1792, a trial for "petit larceny" was held against Mary Campbell, and the jury found her "guilty of the offence in the indictment, and so, say all." The Court condemned the woman to be placed in the pillory on the 25th January, which was done for half an hour, and then she was discharged.

I find in the records of this year, this curious indictment: "The King, in the person of Col. John Campbell *vs.* Violetta, a negroe wench." This wench had threatened the Colonel's life and was bound over to keep the peace. "On the 14th April, 1794, Joseph Leveillé, on conviction of cheating, the first commitment of this kind is sentenced thus: "That he be carried to the Market Place of this city and be there and then put in and upon the Pillory and exposed to the view of the public from the hour of eleven o'clock until noon, and that he then be discharged, and that the constables of the town and banlieu do see this sentence put in execution."

This case of pillory is put off and again found on 12th July, when the same Joseph Leveillé is asked by the Solicitor General why the above sentence should not be carried out. Mr.

Ross, counsel for Leveillé, defends the prisoner, who, however, has to undergo the sentence on the 25th of the month, which he did.

The Justices of 1795 seem all to have been old country names. On 21st October, 1795, the Justices present were: John McKindlay, Robt. Cruickshank, Chs. Blake, John Lilly, Thomas McCord and Alex. Henry. During this year there has not been a single commitment worth recording. The grand jury same day made a presentment, part of which says: "The roads in the town and banlieu of Montreal, and particularly in the Quebec suburbs, down to Pointe aux Trembles, are much neglected."

On the 19th January, 1797, at the meeting of Quarter Sessions, Peter Arnoldi and John Wray, jurors, were fined for not appearing. The fine was 10 shillings sterling. A poor lunatic in gaol at this time receives the commiseration of the grand jury, who record, "that the Clerk of the Peace make a representation to His Excellency General Prescott of his situation, and to pray His Excellency to procure him some place of confinement in the General Hospital of Quebec or elsewhere."

On the 18th July, a presentment is made by the grand jurors to arrest certain "loose, idle and abandoned women," at the instance of Robert Anderson, Ensign and Adjutant of the 1st Batallion of the Royal Canadian Volunteers, and Jacob Marston, high constable, regarding the disorderly and indecent behaviour of certain women. They were all arrested and punished.

For the past two or three years almost all the principal business is *Procès Verbaux* of roads, etc., which are then homologated, and this throughout all the District of Montreal.

A new Justice, Wm. Lindsay, appears at General Sessions, 11th January, 1799.

In the session, held 19th July, several names appear for the first time, as James Hughes, Robert Jones and James Dunlop. The following regulations were adopted: "Whereas obstructions are made by sundry persons by buildings or quays erecting between the walls of the Town and the River St. Law-

rence, whereof the road on the beach is in part obstructed, etc. It is ordered that no buildings or quays whatever be for the future erected between the walls of the town and the river under a penalty of five pounds."

The last session of the Court is held 21st October, and the three Justices were: Isaac M. Clarke, Robt. Cruickshank and Louis Chaboillez. The docket is almost all for "assault and battery," and this term, Year and Century close with nothing of importance.

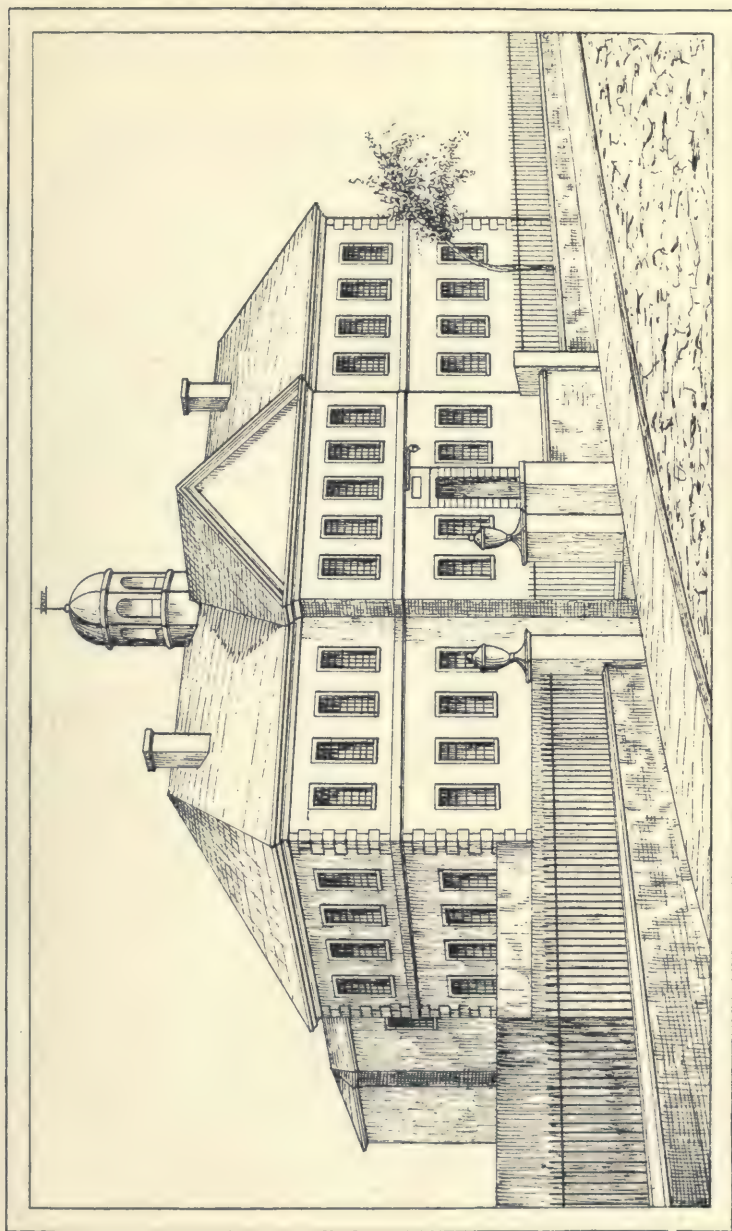
Let us now give the account of the first individual tried for High Treason in Canada, and which took place in 1797.

The following trial is remarkable, not only for the atrocity of the sentence, its application and the occasion, but that it entirely was uncalled for in the circumstances of the case. Different individuals had for years, both before, during, and after the war of Independence, endeavored to detach the loyalty of the Canadians from the British Crown, but all had signally failed. In 1797 the first execution for "high treason" took place, and although it was carried out in Quebec city, most of the circumstances connected with it were done by the prisoner in Montreal, St. John's and other places on the borders of Canada and the United States.

The prisoner who was executed, was named David McLane. He was an American citizen and employed as an emissary of Mr. Audet, who at this time was the representative of the New French Republic at Washington. The scheme was a gigantic one, being the extinction of the British power on this Continent and the entire subjugation of the French inhabitants to the powers at Washington. Surely he might have known that all former attempts had signally failed; even the renowned Franklin had to leave Montreal with the word "failed" written on his brow. McLane visited Canada in 1796 and endeavored to gain the sympathy of the Canadian people, but he did not succeed. Next year, 1797, he returned. Beginning at St. Johns, he, with a man named Frechette, came to Montreal, and continued and tried hard to get the inhabitants to abjure the British Crown. At last he arrived in Quebec and unfolded his

grand scheme (as he thought it) to a Mr. John Black, member of the Assembly. At once he was denounced to the Government and was arrested for "High Treason." I need not enter on the chimerical plan which he had formed, but after a patient trial he was condemned by Chief Justice Osgood in the following sentence: "That you, David McLane, be taken to the place from whence you came, and from thence you are to be drawn to the place of execution—where you must be hanged by the neck, but not till you are dead—for you must be cut down alive and your bowels taken out and burned before your face; then your head must be severed from your body, which must be divided into four parts, and your head and your quarters be at the King's disposal, and may the Lord have mercy on your soul." This terrible and horrible sentence was not quite fully carried out. It was intended to terrify the Canadians and American sympathizers. But the execution was ghastly, indeed. DeGaspé's work on "Canadians of Old," gives a very graphic description of it. Let me condense it here. He says: "Artillery and a body of troops paraded the streets and accompanied the prisoner to the place of execution. There McLane was seated on a sledge with runners which grated on the earth and stones. He was back to the horse, and an axe and block stood on the front of the sledge. He was of high stature and remarkably handsome. Dr. Duvert pulled out his watch as soon as Ward, the executioner, had withdrawn the ladder, on which rested McLane, lying on his back, with the rope round his neck, hanging from the gallows; the body then struck the northern side of the gallows' post and remained stationary after a few jerks. "He is stone dead," said Dr. Duvert, after Ward had cut him down at the end of 28 minutes: "he will be insensible to what will follow." Ward then opened his body, took out his heart and bowels, which he burned in a "rechaud." He then cut off his head and held up this bloody trophy to the gaze of the crowd. Let me finish all in the words of Christie, the Historian, on the subject, where he says: "This from the conquest to that time is the only instance in Canada of a trial for "High Treason," and it, be it also observed, not of a Brit-

ish subject. It is creditable to the Canadian character that, with the single exception mentioned, none were connected with McLane, the very absurdity of whose scheme denoted him a mere maniac and who might with more propriety have been treated as an unhappy lunatic, than as a criminal."



This Prison was built in A.D. 1803.

THE 19th CENTURY.

HISTORY FROM A.D. 1800 TO A.D. 1907.

At the commencement of the 19th century we find that the Court of Quarter Sessions consists of both French and English names, and in the jury then empanelled and sworn, one can see many names connected with the City of Montreal. The names are, John Gray, Etienne St. Dizier, Hart Logan, Paschal Lafleur, William Wingfield, J. Bte. Fournier, William Hallowell, Frs. Papineau, Peter Robertson, Chs. Laravée, Nathl. Burton, Dominique Rousseau, Duncan McGillivray, J. Bte. Disery, James Badgley, J. Bte. Lefebvre, John Stephenson, Michel Dumas, John Molson, J. Philip Leprohon, Myer Michaels, Bartholomew Billon, Mungo Kay and Narcisse Roy.

January 10th 1800—"Sessions of the Peace."

The Court opened, and there were present the following Justices of the Peace:—Alex. Auldjo, Esqr., Louis Chaboillez, Esqr., Robert Cruickshanks, Esqr., and James Dunlop, Esqr. These names, three, at least, are still well remembered in Montreal. Cruickshanks and Dunlop as citizens, and the third, in the well known square of that name.

In this Court there is recorded the first time in the history of Montreal, of a juror refusing to take the oath. François Trudeau refuses to do so, and is "committed to gaol for 8 days," for "being guilty of a high contempt of its authority."

On the 19th July, 1802, the Rules and Regulations are promulgated for the regulation of the "House of Correction." Some of the different articles (as they are called) are only given, the others being of no public interest.

Article I.—Clothing—"The said apparel shall have some

uniform and distinctive mark, which may not only tend to humiliate the prisoners, but also tend to their discovery in case of their escape."

The 2nd Article relates to the prisoners on their entrance to the gaol. It has never changed to the present day. They were "to be stripped naked, washed, and their clothes put away" (till the day of their discharge), and then they donned the prison dress.

The next, Article 3rd, has never, so far as I can find out, been in use in the gaol. It thus reads:—"All persons committed, shall, at the discretion of the Justices, have their head shaved, upon their entrances, and as often afterwards as it may be judged necessary."

Article 9th says:—"Each day of the year, Sundays and Holidays excepted (*Fêtes d'obligation*), shall be considered as days of labor, and on Sundays and Holidays the prisoners shall be confined in their respective apartments."

Article 10th says:—"Prisoners refusing to work or neglecting to do the duty assigned to them, or who are disobedient, shall be punished by whipping, restriction of diet, or having the head shaved, or other smaller punishment."

Article 11th says:—"Each prisoner shall, during their confinement, while in good health, be fed on brown bread or biscuit and water, and other common or wholesome aliments, such as roots, etc., but those of the 3rd class may be allowed small beer or some *beverage* of the like kind."

Another article orders:—"No prisoners shall be permitted to sit down to their meals until they shall previously have washed their hands and face."

Article 18th says:—"Keeper shall be authorized to handcuff any riotous or disorderly prisoner, and to confine him more strictly."

Article 25th provides, "that each prisoner on the day of his discharge, shall receive from the keeper, a sum, not exceeding 5 shillings sterling, to procure to such, a subsistence, until he shall have obtained some means of gaining his livelihood."

The Beginning of the Court of King's Bench.—1802.

The new order of Law opened on Wednesday, 1st September, 1802. There were present, Honble. Chief Justice Monk, Mr. Justice Panet, and Mr. Justice Davidson.

The first case tried was an indictment for conspiracy. Andrew Jackson, for persuading and enticing a soldier to desert, received the following sentence:—"Two months in prison, and that he stand also in and upon the Pillory in the Market of Montreal, for the space of one hour, from 10 to 11 o'clock on Friday, the 24th day of September next."

In their presentment at this Court, the Grand Jury state, that, "Having visited the gaol, they find it totally inadequate to the purposes of a gaol, inasmuch as prisoners cannot be kept therein without the most vigilant attention of a military guard."

A year after, this prison was burned to the ground, and the third prison was erected on its debris and locus.

The principal item of this case was the second murder case, 7th March, 1803—"Dominus Rex vs. Ignace Vaillancourt."

A jury of twelve French Canadians was empanelled, and the Attorney-General opened the case and examined the witnesses. After the return of the jury into Court, by their Foreman, Antoine Desloriers, the prisoner is declared guilty, and the Court pronounced the following sentence:—"That the prisoner be taken hence to the Common Gaol of the District from whence he came, and from thence the day after to-morrow, that is to say, on the 9th day of March instant, to the common place of execution, and that he then and there be hanged by the neck till he be dead, and that his body immediately afterward be delivered to Charles Blake, Esqr., of Montreal, surgeon, to be dissected and anatomized."

Nothing of importance further occurs during the year, till the opening of the Court, 1st September, 1803.

At this Court, Ephraim Whiteside, for burglary, was sentenced to be hanged and executed on the 30th day of the same month.

Short shrift, in those days, was allowed the malefactor to prepare for eternity—and, indeed, after an experience of forty-two years, and having witnessed a number of such cases, the present idea of granting a murderer three or four months for preparation for the other world, is going to the other extreme. He becomes a kind of martyr, sometimes, almost a hero, after months of visitations of chaplains, clergymen and nuns, including Christian women—Cui Bono. About one or two days were all that was allowed in two of these cases, and hardly one month in another. In the late case of such in the Montreal gaol, the prisoner, Hansen, was nearly seven or eight months before he was finally executed. Military executions are not so dilatory.

After I had written the above, I found in a London (England) paper an account of the execution of a triple murderer in that city. “Kloshowski alias Chapman (his true name) was condemned to be hanged for these murders of the 19th of March, at the Old Baily, and executed on the 7th April—just nineteen days after his condemnation.

My remarks anent months and months being given a murderer to prepare for eternity, as is the custom in our Dominion, is here endorsed from the “Umbilicus of the Empire”—and I hope will have a good effect in Canada.

“An advocate of the shortening of the time between sentence and execution of murderers has arisen in the person of the recent commissioner of police of London, Sir Henry Smith. He bases this action upon the well-known fact that the time which is supposed to be spent by the condemned murderer in making his peace with heaven is more often spent in vain appeals for a commutation of his sentence.”

For two convictions of petty larceny, J. Bte. Constant received this sentence:—“Imprisonment for 6 months in the House of Correction, to stand on the Pillory one hour and then and there receive 39 stripes on the naked back, and that on the 17th October next, he be again taken to the Pillory on the Market Place aforesaid, and there receive 39 stripes more, and at the expiration of the aforesaid sentence he be discharged.’ Here

is a prisoner for two charges of petty larceny receives 78 lashes, besides the pillory.

During the same sitting of the Court, Jean Godin, for perjury, received this sentence:—"That the prisoner be remanded to the Temporary Gaol of this District, there to remain imprisoned until Friday next, and that then he be taken and placed in and upon the pillory on the open Market of Montreal, and there remain for the space of one hour between the hours of ten and 11 o'clock in the forenoon, and that he be then discharged."

There are no more records of the Court of King's Bench till the month of March, 1812. The following memo. on the front leaf of the Volume of the Court which begins at this date is this:—"All the Registers and Records of this Court previous to this date, except the years 1802 and 1803, were destroyed by fire, on the occasion of the burning of the Court House, on the 18th July, 1844.

"Montreal, 19th July, 1844.

"J. M. DELISLE,

Clerk of the Crown."

Let us now turn to the Court of Quarter Sessions and see what is there recorded until the opening again of the Court of King's Bench, A.D, 1812.

Their last mention is on 19th July, 1802, when they gave their Rules and Regulations anent the Montreal Gaol.

We find nothing of importance till 14th January, 1804, when an indictment was made against Pierre Monjeon and Pierre Courtois, for assaulting an officer of militia in the execution of his duty, and they were severely fined.

On the 15th January, 1805, eight old countrymen were indicted "for a conspiracy," but there are no more records concerning it.

In 1806-7-8, the Court was principally employed in affairs pertaining to the town in its licenses, by-laws and regulations.

In the Court of January 10th, 1807, there were present as justices:—Alex. Henry, Jas. Hughes, Louis Chaboillez, Jean Marie Mondelet. Thos. Barron was the foreman of the Grand

Jury; André Kollmyer was the Town Crier, in the place of Jacob Kulm.

In the Court of January 11th, 1808, there were present as Justices:—J. Bte. Durocher, Frs. Rolland, Etienne St. Dizier, and Jn. Bouthillier.

In the Court of January 10th, 1809, the same Justices were present. The foreman of the Grand Jury was J. Bte. Lefebvre.

Wm. Wragg, Francis Decary, Duncan Cameron and Aug. Cardinal were all fined for non-attendance.

The first instance of a woman being whipped for forty-one years past, is found in this Court, and (by tradition) it made such a great commotion, that we find no other woman indicted for any very serious offence for the next twenty years, when, in the term of King's Bench, January, 1829, Judith Couture was sentenced to be hanged for the murder of her five children, but was afterwards reprieved.

When the Court met, 18th July, 1809, Frs. Desriviers, J. M. Mondelet and L. Chaboillez were the Justices. They sentenced Maria Nelson and Margaret Morgan for "being idle, loose and disorderly women," "It is ordered and adjudged that they be both committed to the House of Correction, during the space of 6 months with hard labor."

When the prisoners heard this heavy sentence, as they thought it, like some of the present day, Maria Nelson gave the Court "a bit of her mind," for which she got the whipping, "The Court do further order and adjudge that the said Maria Nelson do, on her entry in the yard of the House of Correction, receive 25 stripes on her naked back, for a contempt of the said Court."

In the Court, opened 10th January, 1810, there were present A. Henry, Frs. Rolland, and J. P. Leprohon as the Justices. Robt. McKenzie was the foreman of the Grand Jury. Nothing but local matters and the usual cases of assault and battery are found.

As we find no records for 1811 and 1812, we presume they were burned with those of the King's Bench at the Court House fire in 1844.

We now return to the *Records of the Court of King's Bench*, and will continue the list down to the present day.

Let my readers now be prepared for executions and all the other punishments "galore." No doubt in those Registers which (for the past ten years) were burned we would have found plenty examples of the same kind of "Administration of Justice," and it is just as well they were burned, as the sequel gives us a superabundance of horrors to read about. At the opening of this Court in March, 1812, three men appeared as prisoners—one for "shop-stealing," another for "sacrilege," and the third for "horse stealing." They were all sentenced to be hanged, and afterwards executed accordingly.

In the September term of 1813, no less than three men and a boy (13½ years old) were all hanged for crimes, which, for the past half century and more are only punished by imprisonment.

A. Vaudri, stealing an ox.

P. Racicot, rape.

J. Montreuil, horse stealing.

B. Clement, stealing a cow.

Let the reader pause and look solemnly on the above list. Was an ox, a cow, or a horse of more value then in Montreal than four human lives? There must be, even to-day, some very old people yet alive in this city, who can remember such awful things, even up to A.D. 1829, when no less than *three men* were executed for "stealing *one ox*" in that year! R. Dufresne, at the same Court, for "Petit Larceny," received the Biblical number of lashes—39—on his back.

In the March term of 1814, there were only *three* executions—for murder, robbery and stealing, as the indictments show. One of these (that of murder), D. Curran has the following as part of the sentence:—"That his body be delivered by the Sheriff of the district to Geo. Selby, Esqr., of the City of Montreal, surgeon, for the purpose of dissection, conformable to Law."

The other two hanged, were M. Williams, "highway robbery," and Lot Gray, "stealing."

At the same Court J. V. Potvin received, for "Petit Larceny," the usual dose of 39 lashes.

In the September term Roger Hallan, for "rape," was condemned and executed.

In the March term of 1815 we have only two principal crimes, A. Pelletier for "theft" was punished with 39 lashes and the barbarous branding on the hand; and E. Emmanuel, for "horse stealing," convicted and executed.

In the September term of the same year, 1815, occurs the most awful list of executions ever seen in the history of Montreal. No less than six men were executed, and not one of them for what is now a capital crime.

Let me give the list as culled from these old Registers:—

L. Fortin—horse stealing—executed.

W. Leopard—larceny—executed.

Jos. Wilson—shoplifting—executed.

Geo. Cross—burglary—executed.

J. Roy—burglary—executed.

J. B. Robillard—burglary—executed.

Let us analyze this awful scene—One man executed for horse stealing, three for burglary, one for shoplifting, one for larceny.

No wonder that men's minds in Montreal stood aghast at this awful spectacle, and it must have had some influence even on the judges, as we find, only *one man hanged* in the next year.

In the same Court, J. Raymond, for "stealing," and A. Latulippe, for "larceny," were ordered to receive each "39 lashes," in the gaol.

In the March term of 1816 there is nothing recorded of importance. In the September term, Joseph Barbeau, for "stealing," was executed, and Jos. Quinn, J. Rousseau, and L. Lavigne, all for "petty larceny," received each 39 lashes and 18 months in gaol.

Pierre Com  , for "receiving stolen goods," was placed in the pillory and had 6 months "in the House of Correction."

In the March term of 1817 there is nothing of importance recorded, but in the September term, four men were executed—

one man for "sacrilege," and the other three for "horse stealing." No pillory, stocks, or "lashing" is recorded during this term.

In the March term of 1818 a prisoner, L. Bourguignon, being sentenced to be hanged for "grand larceny," prays, "the benefit of Clergy," which, being allowed him by the Court, he is sentenced to two years in the House of Correction.

Now for another list of murders (judicial).

M. Munroe—stealing from a dwelling—executed.

Jos. Verdon—horse stealing—executed.

James Healey—burglary—executed.

Edmund Burk—burglary—executed.

E. Sidney—burglary—executed.

The carrying out of the above executions seems again to have struck consternation into the minds of all the citizens of Montreal, as we find only two executions for the next three years.

In the year 1819, although several indictments were for the same offences as those hanged in the preceding year, yet they all escaped capital punishment.

W. Burk—stealing fowls—39 lashes and 3 months.

Ch. Walker—stealing goods—39 lashes and 3 months.

T. Ozalpa—stealing, etc.—39 lashes and 12 months.

T. Lalancet—stealing—39 lashes and 3 years H. C.

J. Menard—horse stealing—39 lashes and 3 years H. C.

J. B. Dilinette—horse stealing—to be hanged, afterwards pardoned, and 3 years H. C.

A. Combe—assassination—transported for life.

No record of 1820 can be found, probably burned or lost.

In the March term of 1821 there is nothing of importance recorded, but in the September term two men were hanged for "forged bills"—N. Ganson and A. Jeffreys.

Now see how gradually the execution of capital punishments is diminishing. The following list shows that men's minds were beginning to kick against such awful sights as had hitherto been seen in Montreal, hence we find a wonderful change in the sentences of this term.

Cutley Huff—manslaughter—was condemned to be burned on the hand and 6 months.

P. Bourgoin—horse stealing—to be hanged; respited.

J. B. Bourgoin—horse stealing—to be hanged; respited.

T. Burk—arson—to be hanged; respited.

Jn. Wightman—horse stealing—to be hanged; respited.

J. Goudreau—felony—39 lashes and 3 months.

Lauzon and Beaudry, two men—petty larceny—39 lashes and 6 months H. C.

In the Court of 1822, in the March and September terms, of the long list of offenders, *not one* was executed. The leaven of mercy seems to have permeated all this year. Let me give the principal list culled from these old records:

J. Smith—stealing—39 lashes and 3 months.

J. Lambert—stealing fowls—39 lashes and 6 months.

J. Ouimet—stealing—pillory and 3 months.

Jos. Moreau—stealing a book—39 lashes and 12 months.

E. Gilley—horse stealing—to be hanged; commuted to 6 months H. C.

W. W. Millar—burglary—transportation from the Province.

N. Black—murder—to be burned on the hand.

J. Gain—murder—to be burned on the hand.

G. Taylor, and another man—stealing—to be hanged; respited.

J. Clap—sheep stealing—to be hanged; respited.

J. Lawse—sheep stealing—to be hanged; respited.

F. Lambert—horse stealing—to be hanged; respited.

J. Hurtt—burglary—to be hanged; respited.

Jc. Bradham—burglary—to be hanged; respited.

P. Vazina—stealing an ox—to be hanged; respited.

All these men received longer or shorter sentences of imprisonment instead of their execution.

In the Court of 1823 the judges evidently thought that their great leniency in the past was being over-stretched, and so we find four men executed during this year for “burglary” and “horse stealing.” Five men at Lachine, for “larceny,” were

arrested—three were executed, and the other two were sent for 6 months H. C.

A. Paradis went wholesale into the business and stole the whole of a farm's stock, viz., "three horses, a cow and a heifer," and, being convicted and in possession of the animals, was condemned and executed.

James Connolly, for "drowning a man," received the sentence "to be burned on the hand in open Court" and 6 months in gaol.

Ch. Perrault, for "burglary," was sentenced to be hanged, but was respited, and sent for five years to Quebec!

W. Daely—murder—"burned on the hand" and 6 months.

Rt. Blair—manslaughter—"burned on the hand" and 6 months.

R. Chambers—murder—"to be hanged"—transported.

In the term of 1824 only one case of murder is recorded. The only executions this year were Joseph Bellerose and J. B. Delenelle, and Chs. Lauzon, for "burglary," who escaped, the other two suffered the extreme penalty of the law. In the following long list we can again see how capital punishments are less and less being kept up:

M. Giroux—rape—to be hanged; respited.

Jos. Leger—murder—to be hanged; respited.

J. Mongeon—sheep stealing—to be hanged; respited.

J. B. Verdon—burglary—to be hanged; respited.

John J. Prince—horse stealing—to be hanged; respited.

J. Potvin—sheep stealing—to be hanged; respited.

Frs. Monceau—stealing silver watch—was sentenced to be hanged; but "sent for 5 years to Quebec."

J. B. Belair—do.—to be burned on the hand.

H. Casavant—sheep stealing—pardoned by the King.

J. Dogharty—forged bills—sentenced to the pillory and one year in H. C.

In the Court of King's Bench for 1825 the whole year passed without an execution, till the month of December, when Alexandre Brunet and J. B. Monancie, for "stealing horses," were condemned and executed.

E. Hurd—forgery implements—to be hanged; respited.
 J. Belanger—sheep stealing—to be hanged; respited.
 O. Sherwood—burglary—to be hanged; respited.
 Moses Emerson—burglary—to be hanged; respited.
 R. Potteras—felony—to be hanged; respited.
 P. Renso—horse stealing—to be hanged; respited.
 Aug. Morin—horse stealing—to be hanged; respited.
 Em. Latour—stealing—to be hanged; respited.
 J. B. Cartier—uttering bad French crowns—received the pillory and 1 year H. C.

In the year 1826 no one was hanged for any crime—nearly all were condemned to be hanged, but were otherwise punished, viz.:

F. Goyette—sheep stealing—transported to Bermudas.
 M. Magoon—forgery—transported to Bermudas.
 B. Demers—horse stealing—transported to Bermudas.
 Marie Belanger—horse stealing—transported to Bermudas.
 J. Moses—burglary—transported to Bermudas.
 D. Brisette—stealing—transported to Bermudas.
 Peter Hart—stealing—pardoned.
 Two men for manslaughter—branded on the hand.
 J. Bouchard—murder—branded on the hand.

In the Court of King's Bench for 1827 we find that still and occasionally an example must be made of capital punishment. Three men during this year were executed:—John McDonald, forgery; J. Bouthillier, stealing £15; L. Massé, robbery.

Five men were condemned to be hanged, but were otherwise punished as follows:—

Alex. Forbes—forgery—sent to Quebec.
 Jos. Sinclair—burglary—transported to Bermudas.
 Js. Collins and Js. Leary—manslaughter—to be hanged, but they plead “the benefit of Clergy,” which was granted them, and they were sent 6 months to gaol.
 P. Duplessis—stealing mare—was also sentenced to be hanged, but he was pardoned by Governor Kemp.

J. B. Mousseau—grand larceny—his sentence was “to be

whipt, 39 lashes, on the naked back by the hands of the common hangman on the common Market place of this city."

Next year, 1828, only three convictions of any importance are recorded:—

Anson Church—burglary—was condemned to be hanged, but got one year in gaol.

J. Brisson—uttering counterfeit money—was punished with the pillory and one year in gaol.

M. Tough—enticing soldiers to desert—received this tough sentence, to be punished in the pillory and serve one year in gaol with hard labor.

In the year 1829 three men were executed for "stealing an ox." The execution of these three men made such a stir and commotion in Montreal and the whole country, that from 1829 to the present day, no man has ever been executed for cattle-stealing. Although in the course of the following years several have been so condemned, yet all of them received commutation of sentence by other punishments. This was verily the *last* execution in Montreal for "cattle stealing," and a gruesome one it was. This, with two men executed for "sacrilege," were the *only* capital punishments during the year; but no less than twelve men besides were sentenced to be hanged and the sentence commuted to other punishments, viz.:

J. Kimball—horse stealing—reprieved for gaol.

Judith Couture—murdering her five children—condemned; reprieved for gaol.

A Man—horse stealing—pardoned by Govr. Kempt.

A. Godin—sheep stealing—pardoned by Govr. Kempt.

Three Men—horse stealing—sent to gaol.

Two men—stealing—sent to gaol.

P. Larivée—stealing a cow—sent to gaol.

B. Davis—uttering bad money—the pillory and 3 months in gaol.

F. Frowal—passing bad French crowns—was condemned to stand in the pillory.

In the Court of 1830 two women, Mary McNaughton and

Mary McManning, for "robbery," were both ordered to be hanged, but pardoned by the Governor-General.

Two men, M. Kelly and Alex. Boyer, for "wilful murder," were both executed.

Thos. Gibson—stealing a heifer—to be hanged; imprisonment.

W. Hammond—stealing a heifer—imprisonment.

M. Nicholas—forgery—to be hanged; discharged.

B. Sabourin—burglary—to be hanged, 1 year in gaol.

In the Court of 1831 no one was condemned to capital punishment followed by execution; yet, seven men were condemned to be hanged, but all were otherwise punished.

F. Sanchelle—robbery—imprisonment.

Another Man—robbery—Royal pardon.

Another Man—robbery—1 year in gaol.

Chs. Gauthier—robbery—flogged.

A. Kellenstan—robbery—transported.

J. B. Beauchamp—robbery—lashed.

An. Labelle—burglary—imprisonment.

In 1832 we have only one execution, Chs. Gagnon, who was hanged for murder in the last month of the year. Two men, for grand larceny, got 1 year in gaol. F. Laverdure and M. Fournier, for robbery, sentenced to be hanged, but sent to gaol.

In 1833 a murder was committed, which is sometimes spoken of at the present day—that of Adolphus Dewey, for the brutal murder of his wife. He was condemned and executed April, 1833.

Jos. Asselin—larceny—escaped.

H. M. Lane—burglary—broke gaol and escaped.

Geo. Burt—bad \$10 bill—pillory and imprisonment.

T. Lanawite—burglary—discharged by the King.

E. Fermaine—burglary—to be hanged, but pardoned on condition to transport himself out of the Province.

In 1834 and 1835 only three items of importance are recorded, that of B. McLean, for horse stealing, condemned to be hanged, but afterward commuted to imprisonment; another such case, and the following:

To give our readers a sample and idea of the kind of justice which was dispensed in Montreal by judges who held office during the sole pleasure of the Crown, that is, of the then Colonial Executive, let me cite this case. We find that in December, 1835, "a man perished (died) of cold in the gaol of Montreal." The matter was investigated by the Assembly, and culpable neglect was proved against the Sheriff and his officer, the jailor. An address was accordingly voted, praying for their dismissal. This was not complied with; but the Attorney-General sent a Bill of Indictment for Murder against the jailor to the Grand Jury. That jury was nominated by Gogy, an implicated party, and the bill was thrown out.

The whole proceeding was regarded as a mocking of justice, and Lord Gosford's popularity was much damaged by it. The most important part of the case is yet to follow: A newspaper, *La Minerve*, dared to call the jury "a packed jury." They took instant cognizance of the libel, presented it to the Court as such, and the Attorney-General moved at once that a writ of attachment should issue against the printer, Duvernay, and for what? *Contempt of Court!* The Court, without hearing evidence, even to the fact of the publication, granted the attachment and Duvernay gave bail. The next term of the Court, the defendant was served with these interrogations:—"Are you proprietor of *La Minerve*?" Did you publish the article in question?" Duvernay (one of the most honest and well-known men, the founder of *La Minerve* and of our great National Institution, "The St. Jean Baptiste Society"), being on his oath, answered, "Yes." On this confession he was sentenced to 30 days* imprisonment, and a fine of £20.

The judge (we will withhold his name) remarked that the proceeding was one of *peculiar mildness*. (I should say so, ironically, for it was left to the defendant himself to say whether he was guilty or not; from which, if it had not been a mere clap-trap, nothing could have been inferred but that the defendant, Duvernay, was punished because he would not perjure himself.)

We now come to the year 1836, that one before the Rebellion

of 1837-8. It seems that amidst all the commotions of that important and interesting period the Court of King's Bench was busily employed in administering justice. We have one of the longest lists on record of crimes, etc., during this year, and, although only two men were hanged, Lannaville, for burglary, and Picard, for burglary, yet no less than twelve were condemned to be hanged, but were otherwise punished or escaped.

N. Gauthier—horse stealing—1 year in gaol.

J. B. Moreau—horse stealing—1 year in gaol.

J. Smith—horse stealing—transported for 7 years.

W. S. Sloan—burglary—transported for 7 years.

Picard, Andy and Tomailie, for burglary, sentenced to be hanged. They broke gaol and escaped. Picard was recaptured and executed.

G. Charet and J. Barnard, for larceny, were sentenced to be hanged. Charet broke gaol and escaped, and Barnard was transported for life.

J. B. Tourville—larceny—no record.

L. Giguere—forgery—no record.

L. Clouthier—larceny—transported for life.

J. Dailleur—burglary—transported for life.

J. Gordon—burglary—transported for life.

F. Luloque—firing a barn—transported for life.

E. Rouleau—shop stealing—9 months in gaol.

H. Leclair—stealing a cow—9 months in gaol.

In the year 1837, the first year of the Rebellion, no cases of capital punishment are recorded, and very few of any other; but no less than nine men, during the year, were condemned to be hanged, yet none were executed. Three of them broke gaol and escaped; of the others, no less than five were pardoned by the Governor-General, and one was transported for 7 years.

I may mention here to show the deplorable state of the prison during this and the following years, that "the Grand Jury in April, 1837," thus speak of the gaol. "They think that the diet might be altered, it being at present only bread and water, and that they were shocked to see the destitute state of some of the prisoners, having nothing but one of the prison blankets wrapped around them."

In the year 1838 only two or three cases of importance are recorded,—M. Griffin, for larceny; Jos. Taylor, for horse stealing; and U. Fortin, for cow stealing; both the first two broke gaol and escaped, and the third was pardoned.

The gaol seems at this time to have been well patronized by the Imperial Military authorities for their carrying out courts martials, etc., on the troops. One of the most distinguished writers on Canadian History (Miles) says of the British troops at this important period, "that not one British soldier deserted from his country's service during the troubles of 1837-38-39."—*Miles' History*.

Let me here give a few examples to show that desertion was rampant in the British Army during these years:—

Christr. Smith, 43rd Regiment. "To be transported as a felon for the term of 14 years, and further, to be marked with the letter D, in the manner prescribed in the Mutiny Act.

"N. BOOTH, Lt.-Col.

"Chambly, Lower Canada, 9 May, 1838."

"Town Major's Office, Montreal,

15 May, 1838.

Mr. Wand,

Will have the goodness to receive from the officer of the 34th Regiment, 14 soldiers, deserters, under sentence of transportation.

COLIN McDONALD,

Town Major."

In August, 1838, five soldiers of the 71st Regiment, committed by Lt.-Col. Grey, were all sentenced to 14 years transportation. There are many commitments this month for "aiding and abetting soldiers to desert."

Lastly, in the year 1838, J. Mathewson, for desertion and selling his "kit," was punished with "transportation for 14 years and to be branded, and further, to be marked with the letter D."

Also, Peter Kelly, 7 years and the mark D. They belonged to the 71st Regiment.

On the same day Thos. Carthy, Thos. Francis and Pat. M.

Donnelly, all of the 15th Regiment, were sentenced to 14 years transportation and marked D.

Desertions continued during 1839 just as much as in the preceding year, notwithstanding all attempts to crush it. In May, 1839, no less than 24 soldiers were committed for this offence—five were discharged and the remainder transported. They belonged to the 85th Regiment and 34th Regiment.

On the 9th of the same month 8 other soldiers of the above two regiments were all transported.

In the month of July 7 more were transported. From August to the close of the year 15 more were transported.

This list surely proves that the British military force at this time was in a deplorable condition, and whether it were that these soldiers sympathized with the Patriots or were weary of service, nevertheless the fact remains, that dozens of them were punished for desertion during "the Troubles of 1837-38 and 39."

Before going on with the important events of 1837-38 and 39 connected with the Rebellion, I will conclude this part of the book with a general synopsis of the events and examples contained therein, also including a short list of executions in England and banishments from that country, from 1750 to the cessation of banishing prisoners to the colonies. This, in connection with the events recorded in our own Registers, will be very interesting for reference, and will show that disregard for human life was awfully prevalent in this age of English and Canadian History.

Those judges who lived at the close of the eighteenth century and during the first thirty or forty years of the nineteenth, administered law by the stern rules found in the Mosaic Statutes. "An eye for an eye and a tooth for a tooth," were literally carried out in those olden times. It must have been a terrible sight to the grandfathers and great-grandfathers of the present generation of Montreal to have seen the utter unconcern of authority over the lives of those who were guilty not only of the capital crimes, as they were called, but of crimes such as horse stealing (which was one of the worst), larceny, shop-

lifting, arson, and such like. In England also the frequent occurrence of executions for these crimes, and especially highway robbery and cattle stealing, was so common that we find such gifts and donations as the following registered in London:

Robert Dowe in 1705 left £1 6s 8d rent charge (a goodly sum now) for tolling a bell before executions at Newgate.

Griffith Amendeth left £524 to provide shrouds for prisoners executed at Kingswell.

A.D. 1751.—63 persons were hanged in London.

A.D. 1770.—91 were condemned to death and 49 executed.

A.D. 1783.—58 were sentenced to death at the Old Bailey in the month of September, and 24 in the month of December.

A.D. 1785.—There were 242 death sentences in England, of whom 103 were carried into execution.

A.D. 1788.—The last woman burned to death for husband murder was in this year.

A.D. 1789.—The last woman burned, after being hanged, at the Old Bailey, for uttering base coin, was in this year.

A.D. 1800.—Death without benefit of Clergy for over 160 offences.

A.D. 1805.—68 hanged out of 350 condemned to death.

A.D. 1809.—The ducking stool still used in Leominster.

A.D. 1815.—The pillory abolished except for forgery. We in Montreal kept it up many years after this as we find in the official records.

A.D. 1820.—A boy, aged 15, hanged at Newgate; we capped this in Montreal when B. Clement, a boy, 13½ years old, for "The Grand Larceny of a Cow," was executed the same day, September, 1813, with three men for horse and ox stealing and rape. In this same year, 120 were sentenced to death in England, of whom 107 were hanged, 10 were for murder.

A.D. 1821.—Eight lads under 20 years of age were hanged at Newgate.

A.D. 1826.—1,527 sentenced to death, and 70 executed.

A.D. 1831.—The last execution for sheep stealing took place in Newgate. The last man in Montreal, J. Godin, September 12th, 1829, was sentenced to be hanged for the same offence,

but was pardoned by Governor Kempt. We thus see that on both sides of the Atlantic sheep stealing, as a capital crime, about the same time became null and void, and imprisonment for such took its place.

A.D. 1831.—Out of 1601 prisoners sentenced to death, 52 were executed; just exactly one for every week in the year.

A.D. 1832.—Capital punishment was abolished for cattle stealing and larceny from dwelling houses. In Montreal the last person condemned to death for cattle stealing was V. Fortin, who, on the 30th March, 1838, was so condemned, but was pardoned by the Governor.

A.D. 1832.—The last execution for stealing letters took place in Newgate.

Capital punishment for housebreaking was abolished this year. In Montreal the last person so condemned was Aug. Lefebvre, July 15th, 1840, seven years after its being abolished in England. This year witnessed, perhaps, the most extraordinary record in the criminal docket of any country. There is recorded in 1833 that in London, "a child 9 years old was sentenced to be hanged for poking a stick through a window and stealing paint valued at 2½." A reprieve was given.

A.D. 1835.—Capital punishment was abolished for sacrilege and letter stealing. In Montreal the last example of capital punishment for sacrilege was on the 7th January, 1829, when 6 men were convicted of such and condemned to be hanged, two were executed and the others discharged. This rivalled any of the executions in England for the crime of sacrilege or theft of articles belonging to a church. There has never been any one condemned to death in the History of Montreal for letter stealing, although this was a capital offence in England, the last actual execution taking place for such, in the year 1832.

During those years ending the eighteenth century and beginning of the nineteenth, thousands of persons were banished to the penal settlements of Botany Bay and Norfolk Island, and previous to this, thousands had been banished to the plantations of North America. Our American cousins must not conceive

the idea that *their whole race* came over in the "Mayflower" and landed at Plymouth Rock. Records show that transportation to America ceased in 1775, the year before the Declaration of Independence, and that many of the best families now in that enterprising country could, and can, trace their origin from those who were transported for all the crimes in the calendar, including high treason and rebellion. So it is with Australia. This southern continent became the penal settlement after the Independence of the United States, and thus it came to pass that 58 Canadians, in 1838, who had been condemned to death for rebellion and high treason, were transported thither.

The first importation of convicts to Australia (Botany Bay), near to the City of Sydney, consisted of 184 males and 100 females, A.D. 1787. In 1790, 939 convicts were sent out, of whom 261 died on board and 50 more shortly after landing.

They had no chaplain or minister in those days there, and we read that in 1803, a Roman Catholic, priest under sentence of forgery, was set free at Sydney to act as Roman Catholic chaplain.

Up to the year 1810, 9,000 convicts had been sent to New South Wales. The whole population of the colony was only 10,500, of whom 7,000 were convicts. We may well consider the dreadful state of affairs, and so events, which we cannot record here, took place daily, until the Home Government stopped the importation of criminals to the colony and sent them to the hulks and elsewhere, and thus we find in A.D. 1825, there were 3,662 convicts undergoing sentence in ten hulks in England.

In 1834 there were 15,000 convicts in Van Dieman's Land, "and 4,920 prisoners were sent out of the country during the year," that is, from England. In 1836, 4,273 were transported to Australia, and next year, 1837, 4,068 men. After ten years of the convict establishment of Norfolk Island, one solitary Protestant chaplain was this year appointed to that island, and a Roman Catholic chaplain next year, 1838. During this year, as already mentioned, 58 of our own Canadians were sent to swell the list of convicts to Australia—which list will be given

during the history of 1837-8. Up to this date, 134,308 men and women had been sent to Australia, and 158,000 lashes had been administered during the year in these convict establishments. No wonder it is written that they were only "hells upon earth," for a great number of the convicts belonged to the better classes in England, and who had been transported for crimes which are now, in some cases, slightly punished by law, and not being able to endure the terrible convict life, suicides and mutinies were frequent. In 1838 the Bermudas became the convict establishment, 298 having been transported thither during this year. The first of the Canadian Rebellion Patriots, eight in number, headed by Dr. Wolfred Nelson—afterward the Mayor of Montreal and Inspector of Penitentiaries and Prisons, and Bonaventure Viger, of rebellion renown—were banished to this penal settlement in 1838, but were shortly released on condition of never again setting foot in Canada. We see that this law was set aside, as Nelson and George Cartier (afterwards Sir George Cartier), and T. S. Brown were amongst the number thus condemned.

In 1852 no less than 2,541 were transported to Australia, and 600 in the following year. In 1859 transportation to Bermudas ceased, and in the year 1867, after 451 had been sent out during the year, transportation to Australia also ceased, as the inhabitants with one voice declared against it and sent strong memorials to the Home Government. The last public execution in England was on the 26th May, 1868. The last in Montreal was that of John Lee, executed for killing a poor woman in Griffintown, on the 6th May, 1871.

We have now finished all that can be found out of any consequence of the Administration of Justice in Montreal, since the commencement of the English Régime to this date, 1837.

Now we proceed to give in detail, the principal events of the Rebellion of 1837, 1838 and 1839.

We will begin with the State Trials. In the *State Trials*, we find that the following were those who composed the Court on 28th November, 1838, of "General Court Martial":

PRESIDENT.

Major-General Clitherow.

MEMBERS.

Lieut.-Colonels Eustache, Henry W. Barnard, Wm. Grierson, 15th Regt.; J. Crawford, 2nd Gren. Guards.

MAJORS.

S. D. Pritchard, Major of Brigade ; Henry Townshend, 24th Regt.; Arthur W. Biggs, 7th Hussars.

CAPTAINS.

W. B. Smith, 15th Regt.; Robt. Marsh, 24th Regt.; Wm. Thornton, Gren. Guards; H. Alex. Kerr, Royal Regt.; Aug. Cox, Gren. Guards; the Hon'ble Geo. Cadogan, Gren. Guards; Hugh A. Mitchell, Gren. Guards.

The Hon'ble D. Mondelet, Queen's Counsel; Chas. Dewey Day, Esq., Queen's Counsel; and Capt. Ed. Muller, jointly and severally Deputy Judge Advocate.

The first prisoners arraigned before this court were: J. N. Cardinal, Jos. Duquette, J. L'Ecuyer, J. L. Thibert, J. M. Thibert, L. Ducharme, Jos. Guimond, L. Guerin dit Dusault, E. Therien, A. Coté, F. M. Lepailleur, L. Lesiege.

After a long and exhaustive trial the Court pronounced these sentences:

J. N. Cardinal—to be hanged—afterwards executed.

Jos. Duquette—to be hanged—afterwards executed.

E. L'Ecuyer—to be transported for life—afterwards discharged.

J. L. Thibert—to be hanged—transported.

J. M. Thibert—to be transported for life—transported.

L. Ducharme—to be transported for life—transported.

J. Guimond—to be transported for life—transported.

L. Guerin dit Dusault—to be transported for life—transported.

An. Coté—to be transported for life—afterwards bailed.

F. M. Lepailleur—to be hanged—transported.

Ed. Therien—not guilty.

L. Lesiege—not guilty.

In the trials of Cardinal and the others, I will give a letter from Sir John Colborne to Major-General Clitherow, which is very interesting. He says:

HEAD QUARTERS,
Montreal, December 14th, 1838.

Sir,

I have the honor to return the proceedings of the General Court Martial, held for the trial of Joseph Narcisse Cardinal and others, and to acquaint you with reference to the accompanying opinion of the Law Officers of the Crown, that it appears the sentence of transportation passed on several of the prisoners cannot legally be confirmed. I am, therefore, compelled to desire that the Court may be reassembled for the purpose of revising the sentence of transportation passed on six of the prisoners.

I have the honor to be,

Sir,

Your ob'dt Servant,

J. COLBORNE,

*Commander of the Forces and Administrator
of the Government..*

MAJOR GENERAL CLITHEROW.

The next trial, that of C. Huot, resulted in the same conviction as that of Cardinal and the others. He was condemned to be hanged, but it is added: "The Court having passed judgment, begs leave to recommend the prisoner, Charles Huot, less severe." Afterwards he was transported.

Huot seems to have been the quarter-master of the Patriots at Napierville, as, on the trial many *bons* were produced bearing his signature and which he acknowledged. I will give two as specimens:

No. 9. Bon pour 8 lbs. de pain.

CAPT. NARCISSE REMILLABD.

(Par ordre) C. HUOT,

6th November, 1838.

Qr. M.

No. 29. Bon pour 8 lbs. de pain.

CAPT. FRÈS. NICOLAS,

(Par ordre) C. HUOT,

6th Nov., 1838.

Qr. M.

On the 24th December, 1838, the following were arraigned, Guill. Levesque, P. Decoigne, D. A. Morin, J. J. Hebert, P. T. Leblanc, D. D. Leblanc, F. Trépannier fils, P. H. Morin, J. Paré, L. Samelin and J. B. Dezois, all of the parish of St. Cyrien. After a trial of six days the following were their sentences:

Guillaume Levesque—to be hanged—afterwards bailed.

P. Decoigne—to be hanged—afterwards executed.

D. A. Morin—to be hanged—afterwards transported.

J. J. Hébert—to be hanged—afterwards transported.

P. T. Leblanc—to be hanged—afterwards transported.

D. D. Leblanc—to be hanged—afterwards transported.

E. Trepannier, fils—to be hanged—afterwards bailed.

P. H. Morin—to be hanged—afterwards transported.

J. Paré—to be hanged—afterwards transported.

L. Semelin and J. B. Dozois—not guilty.

Levesque and Trepannier were recommended “for a commutation of the sentence of death, for a punishment less severe.”

On the 3rd January, 1839, the trial of Jos. Robert *et al.* began. Their names are Joseph Robert, Jacques Robert, Ambroise Sanguinet, Chas. Sanguinet, Pascal Pinsonneau, F. X. Hamelin, Theophile Robert, Joseph Longtin and Jacques Longtin. After a trial of seven days the following were their sentences:

Jos. Robert—to be hanged—executed.

A. Sanguinet—to be hanged—executed.

Chas. Sanguinet—to be hanged—executed.

P. Pinsonneau—to be hanged—afterwards transported.
F. X. Hamelin—to be hanged—executed.
Th. Robert—to be hanged—afterwards transported.
Jacques Longtin—to be hanged—afterwards transported.
Jos. Lecompte—not guilty.
Jos. Longtin—not guilty.
Jacques Robert—not guilty.

On the 11th January, 1839, J. B. H. Brien *et al.* were arraigned before the Court Martial. Their names are: J. B. Brien, physician; J. G. Chevretils, farmer; Jos. Dumouchelle, farmer; Louis Dumouchelle, innkeeper; Jacques Goyette, farmer; Toussaint Rochon, carriagemaker; Frs. X. Prieur, trader; Joseph Wattier dit Lanoie, of Soulanges, trader; Chevalier DeLorimier, notary; Jean Laberge, carpenter; Frs. X. Touchette, blacksmith. After a trial of six days the following were their sentences:

Brien—to be hanged—afterwards bailed.
Chevretils—to be hanged—afterwards transported.
Jos. Dumouchelle—to be hanged—afterwards transported.
Louis Dumouchelle—to be hanged—afterwards transported.
Goyette—to be hanged—afterwards transported.
Rochon—to be hanged—afterwards transported.
Frs. X. Prieur—to be hanged—afterwards transported.
Wattier—to be hanged—afterwards bailed.
DeLorimier—to be hanged—afterwards executed.
Laberge—to be hanged—afterwards transported.
F. X. Touchette—to be hanged—afterwards transported.

Charles Hindelang had a trial by himself. The proceedings of the Court Martial are dated January 22nd, 1839. When called on to make his defence, he gave utterance to these words: "Few men, if any, have ever risen in a court of justice under disadvantages so great as those which militate against me at this moment, a stranger in a foreign land, a soldier of France, cited before a tribunal composed of British officers, separated by the vast ocean from all whom the ties of blood or friendship might induce to take an interest in my fate, and supported by those alone who abhor injustice and feel that misfortune has

an inalienable claim to the protection of every noble mind, that a generous error should ever find a generous advocate to defend it. I rise, nevertheless, with confidence to address you, knowing well, that as officers of that great nation whose elevation to the acme of power is due alone to its known respect for great principles of law and justice, you will not allow yourselves to be swayed in your deliberations by that tide of prejudice which has been raised against me and will not condemn me without being convinced that you are authorized to do so."

After a trial of two days he was condemned to be hanged, and afterwards executed.

The trial of Narbonne and others took place on the 26th January, 1839.

The prisoners were: P. R. Narbonne, A. Daunais, Pierre Lavoie, Ant. Doré, Ant. Coupal dit Lorraine, Théo. Bechard, Frs. Camyr?, Frs. Bigonesse dit Beaucaire, Jos. Manceau dit Petit Jacques, and Frs. Nicolas.

After a trial of six days the following sentences were pronounced:

Narbonne—to be hanged—afterwards executed.

Daunais—to be hanged—afterwards executed.

Coupal—to be hanged—afterwards transported.

Lavoie—to be hanged—afterwards transported.

Bechard—to be hanged—afterwards transported.

Camyré—to be hanged—afterwards bailed.

Bigonesse—to be hanged—afterwards transported.

Marceau—to be hanged—afterwards transported.

Nicolas—to be hanged—afterwards executed.

"The Court, having passed judgment, begs leave to recommend the prisoners, P. Lavoie, A. Coupal, Théo. Bechard and Frs. Camyré for a commutation of the sentence of death for a punishment less severe."

Doré was found not guilty and discharged.

The next trial is that of Perrigo and others, of date February 7th, 1839. The prisoners were: James Perrigo, merchant; Louis Turcot, farmer; J. M. Lefebvre, farmer; Godfroitz Chauloux, farmer; D. Bourbonnois, blacksmith; M. Longtin,

farmer; Chas. Roy, farmer; F. X. Provost, innkeeper; Isidore Tremblay, farmer; André Papineau, blacksmith; David Gagnon, farmer; and Charles Rapin, bailiff.

After a long trial of nine days, the following sentences were passed:

Turcot—to be hanged—afterwards transported.

Bourbonnois—to be hanged—afterwards transported.

Longtin—to be hanged—afterwards bailed.

Roy—to be hanged—afterwards transported.

Prevost—to be hanged—afterwards transported.

Papineau—to be hanged—afterwards transported.

Gagnon—to be hanged—afterwards transported.

Rapin—to be hanged—afterwards bailed.

Bourbonnois, Longtin and Roy were commuted for a less severe sentence, and Perrigo and Tremblay were discharged.

The next trial was that of Louis Bourdon *et al.* on February 22nd, 1839.

Their names were: Louis Bourdon, farmer; Jean B. Bousquet, farmer and François X. Guertin, farmer. After a trial of four days the following sentences were passed:

Burdon—to be hanged—afterwards transported.

Bousquet—to be hanged—afterwards transported.

Guertin—to be hanged—afterwards transported.

The next trial is that of Bouc *et al.*, of date 1st March, 1839. Their names were C. G. Bouc, gentleman; Léon Leclair, farmer; Paul Gravelle, farmer; Antoine Roussin, farmer; Frs. St. Louis, farmer, and Ed. P. Rochon, carriagemaker.

After a trial of seven days the following sentences were passed:

Bouc—to be hanged—afterwards transported.

Leclair—to be hanged—afterwards transported.

Gravelle—to be hanged—afterwards bailed.

Roussin—to be hanged—afterwards bailed.

St. Louis—to be hanged—afterwards bailed.

Rochon—to be hanged—afterwards transported.

The Queen *vs.* L. D. Defaillette *et al.* was the next trial of

date 12th March, 1839. The following sentences were pronounced:

The Queen *vs.*

L. D. Defaillette—to be hanged—afterwards transported.

J. D. Hebert—to be hanged—afterwards transported.

D. Demers—to be hanged—afterwards bailed.

Thos. Surprenant—to be hanged—afterwards bailed.

Frs. Surprenant—to be hanged—afterwards bailed.

Hyp. Lanctot—to be hanged—afterwards transported.

L. Pinsonnault—to be hanged—afterwards transported.

R. Pinsonnault—to be hanged—afterwards transported.

Et. Languedoc—to be hanged—afterwards transported.

Benoni Verdun—to be hanged—afterwards bailed.

Etienne Langlois—to be hanged—afterwards transported.

After a trial of seven days all the prisoners are condemned to be hanged. T. Surprenant and B. Verdun were recommended to mercy.

The next trial of the Queen *vs.* Chs. Mondat, afterwards bailed; Clovis Patenaude, afterwards bailed; Moise Longtin, afterwards transported; began on the 20th March, 1839, and all the three were condemned to death, Mondat being recommended for a commutation of punishment.

The next trial is:

The Queen *vs.* M. Allary—afterwards transported.

do. Jos. Goyette—afterwards transported.

do. L. Hainault—afterwards bailed.

do. Bazile Roy—afterwards transported.

do. Jos. Roy—afterwards transported.

do. Jos. Roy dit Lapensée—afterwards transported.

do. E. Tremblay—afterwards bailed.

do. Phil. Tremblay—afterwards bailed.

do. Fran. Vallée—afterwards bailed.

do. Constant Buisson—afterwards transported.

do. Chas. Bergevin—afterwards transported.

do. Ant. Charbonneau—afterwards bailed.

do. Jos. Cousineau—afterwards bailed.

do. Frs. Dion—afterwards bailed.

- do. Louis Julien—afterwards bailed.
- do. J. B. Trudelle—afterwards transported.
- do. Moses Dalton—afterwards bailed.
- do. Saml. Newcombe—afterwards transported.
- do. Jer. Rochon—afterwards transported.

The trial began on the 25th March, 1839, and lasted till the 5th April, when all the prisoners were sentenced to death. Henault, E. Tremblay and P. Tremblay being recommended for a commutation of punishment.

The Queen *vs.* Benjamin Mott was the last state trial, April 10th, 1839, and after a trial of seven days, he was condemned to be hanged, and afterwards was transported.

The General Court Martial was dissolved on the 6th May, 1839.

We have a long list of amounts in April, 1839, for boarding prisoners, by order of the Attorney General and others, and another item thus reads: "To ninety days in carting the State prisoners from gaol to Town and back to gaol to await their trials at Court Martial, with two horses and carriage at 20s.—£90."

Last days and hours in the Prison of Montreal of Cardinal, Duquette, Robert, Hamelin, the two Sanguinets, Decoigne, Narbonne, Nicolas, Daunais, Hindelang and DeLorimier.

Cardinal and Duquette were at the head of the Patriots who went to the village of Caughnawaga to possess themselves of the Indians' weapons, when they were arrested on the 4th November, and on the 28th condemned to die.

On the 20th December, 1838, from his cell in the Montreal Prison, Cardinal wrote these words to his wife: "Demain, à l'heure où je t'écris, mon âme sera devant son Créateur et son Juge. Je ne crains pas ce moment redoutable. Je suis muni de toutes les consolations de la religion. Oh Dieu ayez pitié de moi, de ma femme et mes enfants, je vous les recommande, veillez sur eux, servez leur d'époux et de père et ne tardez pas de les réunir tous avec moi dans votre saint paradis."

Great efforts were made to save Cardinal, and his wife sent a most touching letter to Lady Colborne. It was of no avail. The last scene of bidding adieu between him and his family was heart rending, as the Historian of this period, Mr. L. O. David (now Senator) says in his interesting work: "Quand l'heure fatale de la séparation sonna à l'horloge de la prison, quand ils se donnèrent dans un long sanglot de baiser de l'éternel adieu, ils étaient plus morts que vivants."

At last the fatal day arrived. It was a gloomy, cold, cheerless morning. The sun was as it were ashamed to shine; massive clouds floated like funeral trappings all over Montreal. Nine o'clock arrived. The procession wended its way from the condemned cell on to the scaffold. The friends of the prisoners and others recited the *De profundis*. One great cry arose from the assembled thousands round the walls and gate. The trap fell, and Cardinal was launched into Eternity.

Joseph Duquette had a more tragic end. He was quite a boy, not yet 21 years of age. Every thing possible was done to mitigate his sentence. Even the Indians of Caughnawaga, regretting their haste in arresting Cardinal and Duquette, sent a beautiful petition to Sir John Colborne, but in vain, he suffered the same day as Cardinal. One of those horrible spectacles, sometimes seen at executions, happened to him. The cord was badly adjusted round his throat and became disarranged. They saw the body of the unfortunate young man swinging from right to left, and strike violently the wood work of the scaffold. Some one called out, "Pardon, pardon," but this was of no use. The executioner, hardly knowing what to do, seizing the cord, brought back the body upon the scaffold, and at last all was over.

On the 20th December, L. F. Drummond, afterwards the well known Judge Drummond, sent a most pathetic letter to H. E. Sir John Colborne, to arrest the execution of Cardinal and Duquette, stating therein that they had been illegally condemned, and proving the facts by declaring their actions during the uprising. Besides, the last named was not a major in the

eye of the law, as Duquette was not 21 years of age. But all seems to have been in vain, as they both suffered execution.

The prisoners, Robert, Hamelin, and the two Sanguinets, were accused of having taken part in the expedition against La Tortue and the death of the unfortunate Walker, and for this they suffered death. On the 8th January, 1839, these four, with Decoigne, also condemned to suffer death, marched with steady tread from their cells to the scaffold, where they were hanged in a row.

J. J. Robert was the leader of a band of insurgents, who, on the 3rd November, endeavored to disarm the Loyalists at St. Philippe, St. Constant and Laprairie, and had besieged the house of Mr. Walker. He was a farmer of St. Philippe. His position and character and age were sufficient to make him a leader among the patriots of his parish. He had long been an admirer of Papineau, and was one of the first who had remitted to the authorities his commission as a captain of militia. On the morning of his execution he consoled his companions in the condemned cell and prayed both for them and for his country. Efforts were made for a respite of his sentence by his friends on account of his age, but in vain.

F. X. Hamelin was a lieutenant in the company of which Robert was captain. He had taken an active part in the attack of Mr. Walker's house, when Walker was killed. Hamelin was quite a boy, not more than 19 years of age, and, as in the case of Robert, strenuous efforts were made to save him on account of his youth, but all in vain. Frightened at first with the fear of death, he afterwards maintained a calm demeanour during all the fearful preparations, and, having received the last rites of the Church, and pitied by every one, he bravely died, as he firmly believed in the discharge of his duty and for his country.

The two Sanguinets. They were brothers, and belonged to one of the oldest and most respectable families in the country. Their father was the proprietor of the Seigniorship of Lasalle in the county of Laprairie. The father had lost all by Law. The sons had been active ever against the government, and by their energy, the unfortunate Cardinal had been returned as

Member for their County. Both were married now, and highly esteemed by their fellow citizens. The one was called Ambroise and was 38 years old when he suffered; the other, Charles, was 36. They were both in the company of Robert, one as captain, the other as lieutenant.

Decoigne was a notary, of Napierville, married, and 24 years of age. He was condemned on account of being one of the chiefs in the camp of the patriots at Napierville. Expecting to escape, as the proof against him was feeble, he received the news on the 12th January to prepare to die on the 18th with calm resignation and on that day he expired as the others, fortified by the rites of his Church and the feeling that what he had done was for his country. "Vive La Liberté."

Again the scaffold received five more victims of this unfortunate rising. There were in prison at this time besides these five, many others, such as Dr. Brien, L. Dumouchel, T. Rochon, J. Goyette, F. X. Prieur, Jos. Wattier, J. Laberge, F. X. Touchette, etc.

The names of the last, who vindicated their patriotism on the altar of their country, were Narbonne, Nicolas, Daunais, Hindelang and DeLorimier. At their execution, 15th February, 1839, another of those disgusting spectacles happened, as in the case of poor Duquette. When the rope was placed round the throat of Narbonne and the execution about taking place, on account of one of his arms having nearly been cut off when a child and the executioner having neglected sufficient to secure the other, the poor soul, when the trap fell (his arms becoming loose) seized the cord and suspended himself both by his maimed and whole arm. Twice they had to let go their hold and twice Narbonne seized the cord. At last, after this bungling and sad spectacle, death kindly came and terminated his sufferings.

At the same time was executed a Quebecker named Nicolas. After the battle of Odeltown, he was taken prisoner, when he had wandered, nearly half starved and frozen, into a miserable cottage, and sent under a strong escort to the gaol of Montreal. Having been condemned, he was executed with the other four on the 15th February, 1839.

On the 18th January, when he arrived at the prison of Montreal, he passed under the gallows where a few weeks before the five unfortunates and his friends, Decoigne, Robert, the two Sanguinets and Hamelin had been executed. One of the guards said to him: "Look at the ropes, one of them is waiting for you." Nicolas, quickly replied: "I will die as I have lived, a Patriot." Only eight hours elapsed from the arrest of Nicolas till he was court martialed and condemned to death. He, on the 15th February, mounted with his companions the steps of the scaffold with a firm tread, and when on the platform spoke to the crowd: "*Je ne regrette qu'une chose, c'est de mourir avant d'avoir vu mon pays libre, mais la Providence finira par en avoir pitié, car il n'y a pas un pays plus mal gouverné dans le monde.*"

Daunais was only 20 years of age, and in the last hours of his life was calm and silent, and endured without a murmur and died without a struggle.

Charles Hindelang was the only Protestant among the twelve who suffered death, during these times, by execution at the Montreal gaol. He was not a French Canadian, but came from Paris, originally Swiss and for a long time residing in the capital of France. After the affair of Odeltown, Hindelang was taken prisoner and thrown into the Montreal gaol, and on the 24th January condemned to be hanged, but he was not executed for three weeks afterwards, as he was one of the five hanged 15th February.

We find the evening before their execution the five prisoners obtained permission to give a banquet to their other unfortunate compatriots confined in the gaol. Hardly any one ate much, for their hearts were overcharged with sorrow, and it was indeed a sad and melancholy scene. After supper, DeLormier said these words: "*Ma patrie, puisse-t-elle ne jamais oublier que nous sommes morts pour elle sur l'échafaud! Nous avons vécu en patriotes et nous mourrons en patriotes! A bas les tyrans! Leur règne achève.*"

Hindelang also spoke, and in the course of an eloquent harangue he burst out and said: "Oh, France chérie, tu as

reçu mon premier soupir, ton fils qui va mourir demain sur une terre étrangère, t'aime toujours." On the morning of the 15th February, as he was busy writing what he would say on the scaffold, at 8 o'clock the officials entered his cell and told him that the hour had come for his execution. "Oui—replied he—je suis prêt, accomplissez votre œuvre infâme." When he left his cell he saw his friend, DeLorimier, who called to him: "Courage, my friend, the end draws near," when Hindelang replied: "Death is nothing for a Frenchman."

The prisoners then bade adieu to all their comrades and companions, and with firm steps marched on to the scaffold. DeLorimier leading the double band, followed immediately after by Hindelang, then Nicolas and Narbonne, and last, the youthful Daunais.

A great crowd lined all the streets and avenues leading to the gaol.

Arrived on the scaffold, when all was ready, Hindelang addressed the crowd in these words: "Sur cet échafaud, élevé par des main anglaises, je déclare que je meurs avec la conviction d'avoir rempli mon devoir. La sentence qui m'a condamnée est injuste, mais je pardonne volontiers à ceux qui l'ont rendue. La cause pour laquelle je meurs est noble et grande, j'en suis fier et ne crains pas de mourir. Le sang versé pour elle sera racheté par le sang. Puissent les coupables en porter la responsabilité! Canadiens en vous disant adieu, je vous lègue la devise de la France: 'Vive la liberté!'"

Having pronounced these words with a loud and firm voice, he was launched into eternity. Hindelang was escorted to the scaffold by the late Revd. John Bethune, D.D., Rector of Montreal, his spiritual adviser, who remained with him till the last.

DeLorimier was the last of the five executed this day. He was a native of Montreal, his family a noble one and one that remained in Canada when it became a British Province. After Napierville, he was arrested and brought to the Montreal gaol on foot, where he was tried by Court Martial, and condemned to be hanged. This sentence was carried out on the fatal 15th February. When he was about to go to the scaffold he gave

Prieur a lock of his hair, that was contained in a letter, which read thus:

Prison de Montréal, 15 Février 1839.

Cher Prieur,

Vous me demandez un mot pour souvenir. Cher ami, que voulez-vous que je vous écrive, je pars pour l'échafaud. Soyez courageux et je meurs votre ami. Adieu.

CHEVALIER DE LORIMIER.

At a quarter to nine o'clock DeLorimier parted with Hindelang in the presence of the jailor, military officers and several soldiers, he saying to the executioner: "I am ready." He mounted the scaffold with a firm step, and when Hindelang had finished his address with the words "Vive la liberté," he nodded his head in approval of the sentiments and almost immediately after the sign was given and the trap fell, and the five unfortunates were launched into eternity.

A letter written to his wife at seven o'clock of the morning of the day of his execution was found on his heart after he was cut down, full of love and heroic sentiments, the last paragraph of which is given as a sample of the whole: "Sois donc heureuse, ma chère et pauvre femme, ainsi que mes chers petits enfants, c'est le vœu le plus ardent de mon âme. Adieu ma tendre femme, encore une fois adieu; vis et sois heureuse.

Ton malheureux mari,

CHEVALIER DE LORIMIER.

I cannot close this imperfect sketch of the last sufferer on the scaffold for 1837-38, without just stating that Colborne Avenue, next the gaol, has had its name changed to DeLorimier Avenue, after the Chevalier DeLorimier. Sir John Colborne is often spoken about, especially at St. Eustache, after the disastrous engagement; perhaps our fellow French citizens had this in view when they changed the name of the avenue.

A beautiful monument has been erected in the Roman Catholic cemetery of Cote des Neiges, to their memory, and to the lasting praise of our French Roman Catholic fellow countrymen,

Hindelang's name is as conspicuous (although a Swiss and Protestant) as any of the others. On the four sides of the splendid column's pedestal are engraved mementoes of this melancholy epoch, recording also the names of C. O. Perrault, who figured then, an advocate and member of parliament, and J. O. Chénier, a physician, who fell at St. Eustache.

The oration on the occasion of the inauguration of the monument was pronounced by the late Chief Justice Sir (then the Hon'ble) A. A. Dorion, and speeches were also delivered by Mr. Wilfred Dorion and Mr. Hector Fabre. Thus rest till the Great Day of final judgment those twelve Patriots of 1837-38. Let the prayer be softly said over them, *Requiescat in Pace*, and let us all ever bear in mind, the saying of one of the eminent Latin writers, "*Dulce et decorum est pro patriâ mori.*"

Trial of Captain Jalbert.

The trial of Captain Jalbert was one of the most interesting in the annals of the Rebellion, and the only one tried by Civil Court, the Court of Queen's Bench. On the 3rd day of September, 1839, he was arraigned before the Bar of Justice in the Court House of Montreal, after an incarceration of nearly two years. His accusation was that he was guilty "on the 23rd November, 1837, of the death of Lieutenant George Weir, of the 32nd Regiment of Her Majesty."

Three Judges sat on the bench, viz.: Judge G. Pyke, Judge J. R. Rolland, and Judge S. Gale. Attorney General Ogden conducted the trial, and, with the celebrated Andrew Stuart, represented the Crown. Mr. Walker and Mr. Chas. Mondelet were retained for the accused. The jury, says one, was composed entirely of French Canadians. Another account (Lemoine) says it was composed of nine French Canadians and three old countrymen. And another account makes it eleven French Canadians and one old countryman. To set this matter right, the real truth is that the jury consisted of eight French Canadians and four Englishmen, as is seen with their names further down this sketch.

Previous to this date, Mr. C. Mondelet had put into the Court of Queen's Bench—Criminal side—a motion withdrawing Jalbert's plea of "not guilty," and substituting a special one, which he founded on the general amnesty of Lord Durham, promulgated on the 28th day of the previous June. The general substance of this plea was that Lord Durham had proclaimed a general pardon, and not mentioning any particular prisoners' names to whom it did not apply, that in virtue of this ordinance the prisoner, Jalbert, though accused of the murder of Lieut. Weir, was included in the amnesty, as the proclamation had been approved of by Her Majesty and by Her representative, the Governor-General-in-Chief. After a long and animated discussion between Mr. Mondelet and the Solicitor General Stuart, the motion was rejected by the judges, and on the 3rd September the prisoner was arraigned before the Bar of the Court.

The accusation held against four persons, Jalbert, J. Bte. Maillet, Joseph Pratte and Louis Lussier, and was divided into four charges: "1st, That the prisoner, Jalbert, had carried the sword of the deceased Lieut. Weir, and had been aided and abetted by the other three; 2nd, That when J. B. Maillet had the sword in his hand, the prisoner and the other two aided and assisted him in the murder of Lieut. Weir; 3rd, That when Joseph Pratte had a sword in his hand, the prisoner, with the other two aided and assisted in the murder of Lieut. Weir; 4th, That when Louis Lussier had fired a gun at the deceased, Jalbert and the two others were present, aiding, assisting and encouraging in the commitment of the murder."

The other three mentioned in the indictment had fled to the United States. As an historical fact, and especially as in all smaller English Canadian Histories, very little is told us of this unfortunate episode of the times of the Rebellion, I will give the Solicitor General's opening remarks, which clearly and succinctly state all the circumstances connected with this melancholy affair. He said: "You will probably recollect that in November, 1837, a detachment of troops under the command of Col. Gore, marched upon St. Denis. Lieut. Weir of the 32nd

Regiment of Her Majesty, which was then stationed in Montreal, received orders to go to Sorel to carry despatches for Col. Gore. Determined to reach Col. Gore in the shortest possible time, he went by land, as the Colonel and his little army had gone by water. Full of the accomplishment of this object, Lieut. Weir hired a vehicle to take him to Col. Gore before he should reach St. Denis. It is but right to state here that at the distance of four miles from Sorel the road divides into two branches, one of which is much longer than the other. Lieut. Weir, presuming without doubt that Col. Gore had taken the shortest route, passed by the other and thus missed him. Going along this way, he was arrested by a guard and brought as a prisoner into the presence of Dr. Nelson. The latter then gave orders that he should be sent as a prisoner to St. Charles under the charge of Jalbert and others. His hands were then bound and he was mounted in a waggon. A short time after they untied his hands. Near the church Lieut. Weir jumped out of the waggon, and is struck by a man of the name of Maillet, who had a sword in his hand. Jalbert, who at that moment was on horseback, and had a sword at his side, cried out, "kill him, kill him, the deserter." At the same instant Jalbert gave him a cut of his sword under which the deceased fell. The others, following his example, Lieut. Weir succumbed to the storm of blows that fell upon him. The band standing around him, he breathed again, and then one of them cried out, "He is recovering, he is recovering." The prisoner at the bar was one of these who believed so. A man named Lussier then came up and discharged a gun or a pistol at the deceased. Several days after the engagement of the troops, the authorities made a search for the body, and they found it at some distance from the river, covered with wounds and horribly mutilated."

The trial continued seven days, witnesses for the crown proving such facts that the crown prosecutions were established. It was proved that Maillet, Pratte and Lussier had struck the body of Lieut. Weir many times, but there was a contradiction in the case of Jalbert, several witnesses affirmed that Weir had been killed before Jalbert arrived where they were.

From the records taken from the trial of Court of Queen's Bench, we find that the debated point of the composition of the jury is settled once and for all by the following being the sworn jurors:

Etienne Courville, Charles Lenoir dit Rolland, Pascal Lemieux, Edwin Atwater, Simeon Lecomte, Elie Deseve, Benjamin Trudelle, Amable Desautels, Daniel McKercher, George Fraser, John Cadotte, John Maybell.

The trial continuing seven days, or rather, some of the jury determining to bring in a verdict of not guilty, day by day refused to come to an understanding except that of non-agreement. On Saturday, the 7th September, one of the jurors, Edwin Atwater, was indisposed and required refreshment. The jurors then received food, etc., and were locked up for the night and all Sunday. On Monday, not agreeing, they were again ordered to retire, and we find this: "The following constables are sworn to keep the jury in this case without meat, drink, fire, or candle, and to suffer none to speak to them, nor speak to them, themselves, except to ask if they are agreed."

Daniel Shannon and George Gibson are the constables.

On the last day of the term the jury were again remanded to their room, and the Court adjourned to half-past eleven at night, when Judges Rolland and Gale were present. It records "the Court at fifteen minutes before twelve, or midnight, desires that the Jurors be brought into Court," and the jurors unanimously declare that they have not agreed upon a verdict, nor are ever likely to agree.

The Attorney General and the prisoner's counsel "having declared that they had nothing more to move," and "the term as fixed by law for holding the criminal Session extending only until midnight, the Court at that hour quitted the Bench, the Session being over and the Jury was discharged."

In a few moments no persons were in the room save Wand, the Gaoler, and the prisoner, and Mr. Schiller, then quite a young man. Jalbert was taken back to the prison.

A considerable riot occurred, several of the jurors receiving hard blows, and a detachment of the Guards and a troop of

cavalry of the 7th Hussars were necessary to restore order. As one well known writer quaintly remarks concerning this riot, "La foule se disperse et ainsi se termine ce procès où se concentra tant d'animosité de la part de cette population jadis si loyale. Mais aujourd'hui enfin, devenue révolutionnaire."

On the 17th February, 1840, Jalbert was finally discharged from prison, as the following official document shows:—

"I hereby certify that on the eighth day of February instant, François Jalbert and Celestin Beausoleil were brought up from gaol under a Writ of Habeas Corpus and admitted to bail by the Hon'ble Geo. Pyke, one of the Justices of the Court of Queen's Bench, and thereupon discharged.

Montreal, 17th February, 1840.

A. M. DELISLE,
Attorney.

List of Prisoners to be Transported to Australia.—1839.

I have never seen this complete list printed previously, except one in Senator David's Book, of simply their names; however, the work at this interesting period would be incomplete without this list, and I doubt not but the descendants of those men whose names appear in it will rejoice to see them.

We now come to the last article with which we finish this part of the Book—giving it "seriatim and verbatim."

[COPY.]

"LIST OF POLITICAL PRISONERS from Lower Canada to be embarked on board Her Majesty's Ship *Buffalo*, Commander Wood, September, 1839.

- | | |
|---|---------|
| 1 Jean Louis Thibert..... | Yeoman |
| 2 Jean Marie Thibert..... | do. |
| 3 Joseph Guimond | Laborer |
| 4 Louis Guerin dit Dessault, <i>alias</i> Blanc Dessault..... | Baker |
| 5 François Maurice Lepailleur..... | Bailiff |

6	Charles Huot	Yeoman
7	Achille Morin	Gentleman
8	Joseph Jacques Hébert.....	Laborer
9	Leandre Ducharme	Clerk
10	Hubert Drossin Leblanc.....	Yeoman
11	David Drossin Leblanc.....	do.
12	Pierre Hector Morin.....	Gentleman
13	Joseph Paré	Yeoman
14	Parcal Pinsonneau	do.
15	Théophile Robert	do.
16	Jacques Longtin	do.
17	Ignace Gabriel Chevretils.....	do.
18	Louis Dumouchelle	Innkeeper
19	Jacques Goyette	Yeoman
20	Joseph Dumouchelle	do.
21	Toussaint Rochon	Bailiff
22	François Xavier Prieur.....	Merchant
23	Jean Laberge	Carpenter
24	François Xavier Touchette.....	Blacksmith
25	Pierre Lavoie	Yeoman
26	Antoine Coupal dit Lareine.....	do.
27	Theodore Bechard	do.
28	François Bigoupepe dit Beaucaire.....	do.
30	Louis Turcot	do.
31	Desiré Bourbonnois	Laborer
32	Charles Roy dit Lapensée, père.....	Yeoman
33	François Xavier Prevost.....	Innkeeper
34	André Papineau dit Montigny.....	Blacksmith
35	David Gagnon	Yeoman
36	Louis Bourdon	do.
37	Jean Baptiste Bousquet.....	Miller
38	François Guertin	Yeoman
39	Charles Guillaume Bouc.....	do.
40	Edouard Paschal Rochon.....	Carriagemaker
41	Louis Defaillette	Yeoman
42	Jacques David Hebert, <i>alias</i> David Jacques Hebert..	do.
43	Hypolite Lanctot	Notary

44	Louis Pinsonneault	Yeoman.
45	Réné Pinsonneault	do.
46	Etienne Languedoc	Laborer.
47	Etienne Langlois	Joiner
48	Moyse Longtin, fils de Jacques.....	Yeoman
49	Michel Allary	Joiner
50	Joseph Goyette	Carpenter
51	Basile Roy	Yeoman
52	Joseph Roy dit Lapensée, file de Louis.....	Laborer
53	Constant Buisson	Bailiff
54	Charles Bergevin dit Langevin, père.....	Yeoman
55	Jean Baptiste Trudel	Laborer
56	Samuel Newcombe	Doctor
57	Jérémie Rochon	Wheelwright
58	Benjamin Mott	Yeoman

Received from Mr. Charles Wand, Keeper of the Montreal Gaol, the bodies of the above mentioned fifty-eight prisoners.

J. Wood,
Master and Commander of
H. M. Ship *Buffalo*.

In the inside of this long paper, there is a smaller one which thus reads:

H. M. Ship *Buffalo*, Quebec, 27th September, 1839.

Received from Charles Wand, gaoler, a bag containing dispatches and letters relating to the Political Prisoners from Montreal.

J. Wood, Master in Command.

Let us now resume the regular history of the Court of Queen's Bench after 1838.

In the Courts of 1840—January term—Aug Lefebvre, for "housebreaking," was condemned to be hanged, but was afterwards respited. April 16—Betsy Williams, for the "murder of

her child," was also condemned to be hanged, but respited. August 31—Jos. Dunninsheath, also for "murder," was condemned to be hanged, but afterwards transported for life.

In 1841 the only case of importance was that of Jos. Paul, for "larceny," who received 6 months in gaol.

1842—March—Robert White, of the 74th Highlanders, for "desertion," was transported for life and branded on the shoulder D, for deserter.

Hy. Norman, in August, for "murder," was condemned to 3 years imprisonment, and with this additional sentence, "during the month of August each year, solitary confinement."

"During the session of Parliament in 1849, a Bill was introduced and passed, providing for the payment of losses sustained during the Rebellion. The British inhabitants were indignant that any such Bill should have been introduced, and every means were taken to prevent its passage through the House. When it had been passed, great anxiety was manifested as to whether it would receive the sanction of the Governor-General. On Wednesday, the 25th April, 1849, a day which will be long noted in the annals of the city, Lord Elgin proceeded to the Parliament House to sanction the new tariff, and other Acts. About five o'clock in the afternoon he sanctioned a number of Bills, and among them was the objectionable Rebellion Bill. No sooner had the Bill become law than the information was conveyed to the crowds in waiting outside of the building, and when His Excellency appeared he was received with groans and pelted with stones and eggs. The excitement was intense. Printed notices were posted in various parts of the city, calling a mass meeting to be held on the Champ de Mars, and by eight o'clock an immense number of persons had assembled, when, after some strong resolutions had been passed, the cry was raised, "To the Parliament Buildings."

The House of Assembly was engaged in discussing the Judicature Bill, when a loud shout gave the members warning that a riot was fomenting outside. A number of stones were now thrown through the windows, and in a short time there were

but few squares of glass left unbroken in the whole range of the buildings.

By this time the members had all retreated, when about a dozen persons entered the Assembly Hall, and one of them, of the name of Courtney, boldly seated himself in the Speaker's chair, and muttered something about dissolving the Parliament. The others then commenced the work of demolishing all that came before them, sticks being thrown at the glass globes on the gaseliers which were beyond their reach.

The cry of fire was now raised, and it was discovered that the building had been fired by some of the mob. The fire spread with great rapidity, and in half an hour the whole building was wrapped in a sheet of flame. No attempt was made to save the building, and the engines were only used upon the surrounding property. By this fire the valuable library, containing the archives and records of the colony for over a century, was completely destroyed. The only article saved was the mace belonging to the Lower House. The party who saved the mace carried it to Donegani's Hotel, and delivered it to Sir Allan McNab.

The mob now proceeded to the residence of Mr. Lafontaine, and set it on fire, but through the efforts of some of the citizens the flames were extinguished, but the whole of the furniture and library were completely demolished. Several other houses, occupied by obnoxious members of Parliament, were also destroyed.

It was feared that the Governor might suffer from the violence of the mob. He therefore left his residence at Monklands and remained in the city under the protection of a military body.

On the 26th, Messrs. Mack, Howard, Ferris, Montgomery and Perry were arrested on the charge of arson, and were committed for trial. A crowd of nearly 3,000 persons accompanied them to gaol, but no violence was shown.

The Parliament building destroyed during this riot was originally the St. Ann's market; the interior of which had been remodelled for the accommodation of the Legislature. It

was 342 feet in length by 50 in width, the central portion projecting four feet beyond the wings. It was constructed of Montreal limestone, and though plain, its only ornament being a portico at either end, presented an effective appearance.

The excitement continued, and men of all ranks then invited the interposition of the Americans. The popular feeling on the British side was roused to madness, and threatened the integrity of the Empire. It was seriously and openly proposed to sever the connection with Britain and annex Canada to the United States. Does not this seem amazing? Not more than ten or eleven years had passed and these same annexationists were Constitutionalists against the Patriots of 1837-38. Now they are exactly in the same position as the French party during that period. Two days after the obnoxious Bill had passed, a riot took place, and Colonel Guly was of the greatest use then in calming the populace. An eye witness of this thus describes it:

“Having worsted the police, and defying the troops, the populace assembled round the government house, bent on taking it by storm, and killing Lord Elgin, who was in it. Without Colonel Guly the attempt would have been made, but, walking coolly up and down, he soothed the multitude, and persuaded them to desist. So happy was he in his manner of dealing with them that, notwithstanding his opposition to their wishes, they carried him home on their shoulders in triumph. Neither the police or the troops produced any effect on the infuriated multitude. The administration, thereupon, put muskets into the hands of a body of French Canadians who were drilled and intended for the repression of the British population. The latter, arming themselves, marched in a sort of military array to attack the French, and a terrible night conflict was about to take place in the streets of Montreal. To prevent it, a wing of the 71st Regiment, and two guns loaded with grape, were drawn up, with orders to fire with effect on the advancing multitude. The latter had nearly reached the limit assigned them by the officer commanding, and the troops were about to fire, when Colonel Guly met the crowd and

threw himself into their midst. Ascending a lamp-post, he addressed them for upwards of two hours without faltering, eventually inducing the multitude to disperse. It was like a man tied to the guillotine, making a speech with the axe pendent over his neck. If it be true, as it is true, that but for his intervention, four or five hundred natives of the British Isles might, or would, on that occasion have been slaughtered by the troops, it is manifest that the connection with Britain must have been severed."

Mr. Powell, M.P. for Carleton, writing in the *Quebec Mercury* of date 4th January, 1855, and recounting the events of this memorable night, thus says:

"There is a dark spot in the page of Canadian History; the angry passions of men were aroused by an act which was by them deemed to extend, not only the sanction of the law to treason, rebellion and murder, but worse still—to reward them. The spirit of those who had lived obedient to law all their lives rose in passionate revolt against an enactment to their minds subversive of every principle of religion, morality and law. The flames of the House in which the statute was passed, with all the most valuable records of the country, fearfully attested the state of men's minds. It was at such a moment, when energy and determination were most required, that the energies of those whose duty it was to quell the storm seemed thoroughly paralyzed. There was one man, at least, who proved an exception to the prevailing cowardice. That man was Colonel Gagy. Dark as is the memory of those days, they would have been darker still but for him.

Not only did he throughout those trying scenes, by his influence—by his example—by his unwearying exertion, restrain the passions of the enraged multitude, but on one particular occasion he stayed the tide of riot, of bloodshed, and what might have terminated in a rebellion worse than that which had been so lately rewarded.

Well do I remember the second night after the Parliament House was burnt, when the tidings spread like wild-fire through the city, that the Government had armed their supporters in

the suburbs, and that even at the moment they were assembled at Bonsecours Market. A spirit was evoked in the breast of every opponent of such a rash and one-sided act as the arming of one part of the population against the other, that boded fearful results, had the flame once burst its bounds. Arms were in the hands of every man and boy who could bear them, and a stern determination in the minds of all to meet in deadly hostility. The military were drawn up across Notre Dame Street, near Jacques Cartier Market, cutting off communication by that street. It was at this time when all were resolved to force their way through the armed troops to reach the Bonsecours Market that Gury appeared amongst them, and from the paling on which I was standing by his side, addressed the assembled multitude, and by his commanding eloquence, his boldness, his energy and common sense, succeeded in allaying the popular excitement, and inducing all to disperse in quiet to their homes. Had he not been the instrument in the hands of that Power who rules over all, He alone knows what might have been the consequence of the shedding of the blood which must have flowed on that night.

Up to the present time, I have never, amid all the obloquy which has been heaped upon his name, seen one word of tribute in justice to conduct which was as honorable to the man, as invaluable to our common country. Such is the testimony of an eye-witness. Under a lamp elevated about ten feet above an armed and infuriated mob, in the full glare of the light, hearing the imprecations of the frantic multitude around him, varied by the occasional flash of firearms and the whistling of a ball, Colonel Gury was a mark which no man could miss. He could at any moment have been killed, even with a brick bat, and as every man has his friends and his enemies, he must have felt that his time was at hand. He knew that within a hundred and fifty yards were two guns charged with grape—and upward of 200 soldiers with guns loaded and capped, and he must have heard the officer in command press on the troops the necessity of firing with effect. He must have felt that any half dozen imprudent or drunken fellows might have brought

all the fire upon him. Yet, for two long hours and more, despite continual interruption, he never faltered. Avoiding all irritating topics—gently insinuating respect for order—appealing to the hearts of his audience—drawing affecting pictures of desolated hearths, widowed mothers, and helpless orphans,—soothing this one, cracking a joke with another, then provoking the laugh which indicates the calming down of irritation; he eventually induced the assembled thousands peaceably to disperse. He performed the same part on several evenings, always at more or less risk, and it is undeniable that it was owing to his efforts that no blood was shed.

On the night above referred to, considering the proximity, number, and disposition of the soldiery, with the dense mass of closely packed thousands in the street, no one can affect to rate the killed and wounded, had the troops fired, otherwise than by hundreds.”

I now insert the warrant of those who took the most important part at this time and their discharge.

The first is the following:
Province of Canada,
District of Montreal.

OFFICE OF THE PEACE.

William Ermatinger, Esquire, one of the Justices of Our
Sovereign Lady the Queen, assigned to keep the Peace in
the said District.

To the Keeper of the Common Gaol of the said District,

GREETING:

Whereas, William G. Mack, Esquire, Advocate; James Moir Ferris, gentleman; Augustus Heward, merchant broker, and Hugh E. Montgomery, merchant; all of the Parish of Montreal, in the said District, stand charged upon oath with having, at Montreal aforesaid, on the twenty-fifth of April instant, maliciously and feloniously caused and instigated a mob of which

they were the leaders and principal instigators, to set fire to and consume the Parliament House in the City of Montreal.

These are therefore to authorize and command you, to receive into your custody the said William G. Mack, James Moir Ferris, Augustus Heward, and Hugh E. Montgomery, and them safely keep for future examination.

Given under my hand and seal at Montreal, the 26th day of April, 1849, in the twelfth year of Her Majesty's reign.

W. ERMATINGER, J.P.

Mr. Alfred Perry's commitment is one by itself.

The second document is the discharge paper, and thus reads:

Province of Canada,
District of Montreal.

To the Keeper of Common Gaol.

of and for the said District,

Discharge out of your custody the bodies of William Mack, James Moir Ferris, Augustus Heward, Hugh E. Montgomery, and Alfred Perry, they having been admitted to bail.

Montreal, 28th April, 1849.

W. ERMATINGER, J. P.

1843.—In the March term of this year H. Cameron, for "murder," was ordered to be hanged and the sentence was duly executed. There is nothing of consequence for the year besides this item.

1844.—L. Beaucur, for "murder," received 7 years in the Provincial Penitentiary. This institution is often mentioned after this date.

The years 1845-46-47 and 48.—No sentence of death is recorded in these years.

1849.—July—Frs. Fleming, "murder," received 2 years in Provincial Penitentiary, but was shortly discharged by Governor-General's pardon. October—Thos. Lescord, "horse stealing," got one year in House of Correction.

1850.—There are several cases of “horse stealing” during this year, but the criminals were all sent to the Provincial Penitentiary for longer or shorter sentences.

1851.—An American, M. Mandego, for “horse stealing,” was delivered over to the United States authorities.

1852.—March—And. Miroitte, “murder,” sent to the Provincial Penitentiary, and in the October term B. McMahon, for “burglary,” was also sent.

1853.—Two murderers this year were sent to the Lunatic Asylum, and nine men were sent to the Provincial Penitentiary.

1854.—In July of this year we have the first instance of any one dying of the cholera—her name was K. Doherty. At the same Court J. B. Bertrand, for “highway robbery,” was sent to the Lunatic Asylum. In the November term, Wm. Gray, for “murder,” was condemned to be hanged, but was afterwards pardoned.

1853.—February term, Wm. Buchanan, for “horse stealing,” was sent to the Lunatic Asylum.

Here in the past three years we have no less than four convicts all sent to the Lunatic Asylum—two for murder, one for highway robbery, and one for horse stealing. In other days they would all have been hanged. It is a query—why they were sent to this institution and not to gaol or Provincial Penitentiary. Where was this asylum? It is never mentioned again in the old records.

In the March term, Chs. Durrand, for “arson,” went to the Provincial Penitentiary for seven years. In the July term, Eu. Durocher, for the same offence, received the same punishment.

1857.—May—Wm. Jones, for “murder,” was sent for life to the Provincial Penitentiary, after having been condemned to be hanged for the crime.

1858.—January term—One of the most diabolical murders was that of a woman in one of the neighboring villages on the north side of the St. Lawrence. The woman implicated was the wife of a man residing in the village. She had conceived an unhallowed affection for a near relative who also had a

sickly wife. One day the sick wife was found murdered, and on the trial it came out that the woman and the husband of the sick wife had murdered her by smothering her under a large bedtick filled with straw. They did it so effectually, that both, jumping on the poor woman, soon crushed the little life that she had out of her. The murderess was an immense, big, tall woman, nearly six feet high, and one of the most ferocious and strongest in the district, but unrestrained passion led to her execution. Her husband, though arrested, was not implicated and soon discharged. The woman, by name A. Am. Crispin, and the man, J. B. Desforjes, were hanged at the present Montreal gaol, January, 1858. This is the only woman that was ever hanged in Montreal, although several others have been condemned to be hanged, but reprieved for other sentences.

The three chief ones were: Betsy Williams, Mary Webster and Susan Kennedy. Before this, several women, for "murder," and "robbery," were condemned to be hanged, but reprieved.

At the execution of this woman she fought the guards at every inch of her progress to the scaffold. At binding her, she threw one or two of the officials to the ground, and they had hard work in getting her up the steps of the scaffold and on to the drop.

Her end and the circumstances connected with it were long the theme of talk in that part of the country.

In the June term, J. Howett, for "murder," was condemned to be hanged, but was sent for life to the Provincial Penitentiary.

In the October term, Wm. Lee, for "attempted murder," ordered to be hanged, but got 14 years Provincial Penitentiary.

1859.—In the March term, James Thompson, for "felony," got 14 years Provincial Penitentiary.

During this term the murderer, J. B. Beauregard, was convicted and sentenced to be hanged, which was duly executed in course of law.

1860.—The only case of importance during this year was that of Catherine McDonald, for "robbery," who was sent for 7 years Provincial Penitentiary.

1861.—February term—O. Leduc, for “horse stealing,” was condemned to be hanged, but received afterwards 5 years Provincial Penitentiary.

We now come to an event which caused a great commotion in Montreal—the conviction of Dr. Jessé Patterson, for “murder” (child)—at the March term, and at the May term that of Alex. Burns and Mary Webster, also for “murder.”

Perhaps, of all the public executions since the Rebellion, none made more commotion than that of Burns, 1861, and, as the public expected at the same time, Dr. Jessé Patterson. He was sentenced to death and was to be executed the same day with Burns—an unnatural and low brute, who had killed the child of his step-daughter.

Our late revered Bishop Fulford, the night before the execution had visited Patterson, and prepared him with the last rites of the church for the dreadful event of the morrow. It had been expected for days that a reprieve would be given to Patterson, and it actually did not arrive till the fatal morning, consequently the thousands of spectators knew nothing of it. So great a crowd had seldom been in Colborne Avenue and St. Mary Street as surged and swayed before and at the side of the gaol that morning, and it required all the power of the law to prevent an outbreak on account of only one man being executed, but not two as expected. As it was, a panic took place, and in the crush men and women fled thence in terror, but with hardly any clothes on, they having been torn from off their backs in the crowd.

This Burns family, from the Eastern Townships, was of the very lowest type, and several of the family were in gaol for other offences, when their father was lying under sentence of death, and they seemed to be perfectly hardened wretches, laughing and singing even just within a day or two of his execution.

In the Fall term, another murderer, Thos. Miles, was condemned to be hanged, but got Provincial Penitentiary for life.

1863.—In the Summer term, John Mawn, a soldier of the R. H. Artillery, Hochelaga, who had cut the throat of his cor-

poral, who had for some trivial offence reported him, was hanged at the prison. The officer was sitting in a chair, and Mawn came stealthily behind him, drew his head suddenly back, and nearly severed it from the body.

In the last term of this year another soldier, John Green, of the 16th Regiment, for "murder," was sentenced to be hanged, but afterwards got ten years penal servitude, as extenuating circumstances were proven at the trial.

1863.—In the February term, Jos. Kingsley, another soldier, for being "drunk and disorderly," received 4 years penal servitude. M. Walsh, another, for "violence," was banished for life.

1864.—January term, John O'Neil, for "violence," got 5 years penal servitude.

I now come to the most important trial ever held in Montreal, that of the St. Alban's Raiders. During the terrible fratricidal war between the Northern States of America and the Southern, a band of young men, sworn soldiers of the Confederate army, entered from Canada the State of Vermont and raided the Town of St. Albans in that State, and, after committing certain acts of violence, escaped back to Canada with their spoil. Almost all the remarks which will be made on this affair have been culled by his permission, from a well digested and written volume of the History of the Trial by L. N. Benjamin, Esq., Advocate, of Montreal. The names of those incarcerated in the Montreal gaol and tried for this offence and acquitted are: Bennett H. Young. Samuel Eugene Lackey, Marcus Spurr, Alexander Pope Bruce, Charles Moore Swager, Caleb McDonell Wallace, Joseph McGrorty, George Scott. William H. Hutchinson, Dudley Moore, Thomas Bronsdon Collins, James Alexander Doty, Samuel Simpson Gregg and Squire Turner Teavis. These men, according to their commitment, did rob the Bank of St. Albans of \$70,000, and one man, a depositor at the time, of \$300. The best array of legal talent that the Province could produce was enlisted on both sides, but it must be averred that the prisoners counsel carried the day and were completely sustained by the Privy Council of England. When the case was

opened on November 2nd, 1864, the Court was crowded. Hon'ble Mr. Abbott, Q.C., Hon'ble Mr. Laflamme, Q.C., and Mr. Kerr, Q.C., were the lawyers who appeared for the St. Albans' Raiders; Mr. Devlin, Q.C., appeared for the United States Government, associated with the Honorable M. Edmonds, of Vermont; Mr. Johnson, Q.C., and Mr. Carter, Q.C., represented the Crown; Mr. Strachan Bethune, Q.C., the Hon'ble John Rose, Q.C., and Mr. Ritchie, Q.C., were also connected with the trial.

It began before Judge Coursol, who dismissed the prisoners, as he held, he had no jurisdiction; then coming before Hon'ble Judge Smith, after a long and most careful examination of facts and documents, and after speeches remarkable on all sides for terseness, fluency and fervour, His Honor concluded his summing up of three hours and a half, on December 13th, 1864, in these words: "I am therefore constrained to hold that the attack on St. Albans was a hostile expedition, authorized both expressly and impliedly by the Confederate States: and carried out by a commissioned officer of their army in command of a party of their soldiers. And, therefore, that no act committed in the course of, or as incident to, that attack can be made the ground of extradition under the Ashburton treaty. And that if there had been any breach of neutrality in its inception, upon which point I state no opinion, it does not affect this application, which must rest entirely upon the acts of the prisoners within the territories of the State demanding their extradition, and upon their own *status* and authority as belligerents.

"I am bound to scrutinize with a greater degree of caution, the circumstances of any case which appears to possess a political character, or which seems to grow out of the struggle which is now proceeding. And I must be the more scrupulous in weighing the pretensions of the prisoners as to their justification by their possession of a belligerent or political character, when I know, that the defence arising out of such a character, which England would recognize as valid, if sustained, would not even be received or listened to in the United States as being sufficient

in law, however fully substantiated. This question was discussed in the United States, during the trial of the "Savannah" case; and the defence of the prisoners that they were commissioned belligerents, was ignored by the dictum of Judge Nelson, charging the jury, as matter of law, that neither he nor they could take that defence into consideration at all, until the belligerency or independence of the Southern States was recognized. It behoves us, therefore, to be satisfied that the offence of robbery, according to our interpretation of the position of the Confederates, has really been committed, before I consent to order these prisoners to be remitted for a trial of the issue they raise in their defence, to a tribunal which would ignore that defence as insufficient in law, however satisfactorily established; and I consider the remarks of Judge Crompton, already referred to, as being peculiarly appropriate to such a condition of things.

"With this view of my duty, I have gone carefully and at perhaps unnecessary length into the matter. I have considered it proper to enter at great length into the examination of some questions, which, perhaps, in themselves admit of no great doubt, but upon which, in my humble judgment, erroneous views have been entertained, and urged with great earnestness at the Bar. I have endeavored to guide myself, by what is recognized as law by the civilized world, instead of suffering myself to be swayed by popular cries, or by the passions and influences which the proximity of this lamentable convulsion has stirred up among us. And I have come to the conclusion that the prisoners cannot be extradited, because I hold that what they have done does not constitute one of the offences mentioned in the Ashburton treaty, and because I have consequently no jurisdiction over them. I am of opinion, therefore, that the prisoners are entitled to their discharge."

At the end of this charge loud cheers arose in the Court House, which the officers could not suppress and which were taken up and repeated again and again by the crowds in the lobbies and outside the building in the streets.

The prisoners were remanded for some days after, and at the next meeting of the Court, Mr. Devlin stated that he had been officially notified by Honorable Mr. Carter, that on account of Judge Smith's decision it was the intention of the Government of the United States to withdraw the charges against the prisoners, as the Canadian Government intended proceeding against the St. Albans Raiders for breach of neutrality laws. From the 20th October, 1864, when the raid took place and for months after the people of Canada were wonderfully affected and divided between the North and South. During this year, 1864, a very large number of refugees from the Southern States came to Canada. A great deal of correspondence occurred, as was natural, between the two governments, and in these letters from the United States Government were repeatedly sent thanks to Canada, for its loyal observance of the laws of nations. In fact, detective police and numerous volunteer forces were stationed on the frontiers by the Government of Canada to prevent hostile attempts against the United States and to show its regret for what happened in the St. Albans raid—many thousand dollars in gold were paid by the Canadian Government to the United States, to compensate the bank for its loss. The raiders were eventually all liberated, and one or two of them returned to Montreal. They had received back, by order of Judge Smith, all their money, arms and property—the private papers only remaining on record in the Court files, as these files could not be mutilated by their being taken away. Thus ended this famous trial—the most famous, excepting those of 1837-38, ever in Canada.

1865.—In the February term, D. Freeman, for enticing men to enlist in the United States army, was fined \$200 and to get bonds.

A brutal murder was before the Court at this term. L. Barreau was condemned to be hanged, and his execution took place in due course.

I must here record that in the month of May of this year, the Author of this book was appointed as Chaplain to the gaol,

and that all the subsequent events of this history came under his own actual knowledge.

1866.—This year was remarkable for what is called "The First Fenian Invasion." As it is a well known part of the Dominion history now, we will only state that in the month of June, fifteen of these misguided wretches, who had been in prison for some time past, were discharged. They were given what clothes they required and each one had some money also given. Under the escort of proper officials they then were taken to the border and ordered never to show face in Canada again else a worse fate would befall them. It was laughable, report tells us, how very soon they rushed to "The Land of Liberty," and I don't think one of them was found in the next Invasion of 1870.

In July, Ed. Jarvis, a soldier, for desertion from his regiment, got "672 days punishment in the common gaol."

Another murder by a soldier was committed this year. Js. Mack, of the Quebec Gate Barracks, shot his officer dead, because of some supposed slight on his part, and was afterwards executed.

At this time both the military prison at Hochelaga, and the gaol always contained many soldiers as prisoners for infractions of military rules and city by-laws. The writer well remembers all this, as, being both Gaol Chaplain and Military Chaplain, they all, more or less, came under his supervision.

1867.—Only one case of importance this year, and at the end of it, December, when G. Wilson, for "murder," was imprisoned for life.

1868.—In the first term of this year, Thos. Homeword, for "firing a loaded rifle with intent to murder," received imprisonment for life.

In the June term, Maurice Blake, for "murder," received the same sentence in the Provincial penitentiary. In September term, P. Goulet, "horse stealing," got five years in the Provincial penitentiary.

I can well remember the next case in September, when two stout, good-looking girls of about fifteen years of age, from

“Sault aux Recollets” (Back River), were brought into the gaol, charged with “stealing two or three apples.” They were condemned by the magnanimous and Christian magistrate of that well known place to “three weeks in the common gaol.” Three weeks! to be associated with the vilest and most profane of God’s creatures—“an abandoned and worthless woman.” They went out *much better!* than when they entered, and if in after life they fell, their blood must be laid at the door of that Christian magistrate.

In the November term J. Filion, for “highway robbery,” received ten years in the Provincial penitentiary.

1870.—May term. Jas. Moore, a Fenian, for entering Province of Quebec, with intent to levy war, was discharged. This absurd affair was in connection with the Second Fenian Raid, in April of this year. Like the former one of 1866 it entirely collapsed and came to nothing.

1871.—This year was memorable for the murder committed by John Lee, a Norwegian. This was his taken name. He had killed a poor woman in Griffintown, and stolen her purse containing the rents of her houses. After a trial of short duration, he was condemned and executed in due course.

1872, 1873, 1874, 1875.—Nothing of importance during these years. Almost all the cases were for the ordinary crimes with a shorter or longer term in the Provincial penitentiary or common gaol.

1876.—In the March term, Henry Agnew, for “manslaughter,” was sent seven years Provincial penitentiary.

In the June term, D. Chatiguay, for “rape,” received ten years in the Provincial penitentiary.

1877.—In the first term of this year, G. Langlois, for “horse stealing,” received five years Provincial penitentiary.

In the October term, Jos. Neron, not content with one wife would have another, and for “bigamy,” received five years Provincial penitentiary.

1878.—January term, James Irvine, for “shooting, etc.,” received five years Provincial penitentiary.

In the next term, M. Ouellette, for that disgusting crime, "rape," received what he justly deserved—"imprisonment for life."

In the October term, D. Bonin, for the same crime, was condemned to be hanged, but altered to life imprisonment. This criminal after serving over twenty-two years, was pardoned and liberated from the Provincial penitentiary.

1879.—We have another diabolical murder this year. Susan Kennedy, of Griffintown, murdered a man in her home, scientifically cut off his head and dumped it in a water pail. When she was arrested, the authorities found the body without any difficulty, but where was the head? After diligent search throughout the house, they at last found it as above described. She was condemned to be hanged, but doubts being raised as to her sanity, she was imprisoned for life. After a year or two in the penitentiary, she died.

In the September term, J. Beaudry, for "horse stealing," received six years Provincial penitentiary, and W. Beardon, for "burglary," received five years.

1880.—All the principal actions during this year were for "assault," "burglary," and "larceny," etc., and received short sentences in Provincial penitentiary, the longest being for seven years.

1881.—Once more we have to record a murder. Hayvern, a prisoner at the Provincial penitentiary, basely stabbed a comrade to the death in the St. Vincent de Paul Penitentiary, and suffered for it by hanging. He had made a murderous knife from a part of an old iron hoop, and it was as sharp as a razor and pointed like a bayonet, doing well its fatal stab.

1882.—In the March term, for "rape," O. Daigneau was sentenced to an imprisonment of ten years Provincial penitentiary.

In August, J. McGregor, for "robbery," got five years Provincial penitentiary, and Julia Boisvert, for "murder," the same sentence.

In the September term, J. Prowse, for "wounding with intent," got seven years Provincial penitentiary, and in October,

a man (postman), for stealing letters containing money, received ten years in the Provincial penitentiary.

1883.—January term—Jos. Gagnon received a sentence of eight years Provincial penitentiary, for the crime of “receiving stolen goods, knowing them to be stolen.” He well deserved the sentence, and if a few more of the second-hand dealers of Montreal would only get the same sentence, then (as I can testify on my experience) there would be far fewer young boys and men arrested for such and selling the articles stolen by them to those dealers. It is well, that the Law is imperative—“that the receiver is worse than the thief” when he knows well that the goods are stolen.

At this term another murderer was condemned to be hanged, and was duly executed in the gaol. This man, Milloy, richly deserved his punishment.

This was a busy year, J. Rang received five years for “larceny,” in the Provincial penitentiary, and John Clarke, for same offence, the same sentence; Geo. Prowse, for “attempt to murder,” got five years, and in the June term, J. B. Dubois, for “rape,” was condemned to receive twenty lashes, and “serve twelve months.” Another man, a postman, for stealing money letters, received the sentence of eight years.

1884.—In the February term, L. Berthiaume, for “stealing a mare,” received five years. Had he lived a few decades earlier in the history of Montreal he would have been hanged without chance of pardon. Yet another man, same term, “stealing mares,” got seven years Provincial penitentiary. These two in the early decades of the century would both have hung together on the scaffold and for the same crime.

Geo. Nelson, for “larceny,” got eight years Provincial penitentiary. This year shows some very heavy sentences. I well remember that during this year a great many burglaries were committed in Montreal and the authorities were determined to put them down, hence the Jordans got ten and seven years for such, and G. Nelson, as above, got eight years. Duval, for “sacrilege,” got five years Provincial penitentiary, and J.

Poitras, for "stealing from the person," received seven years Provincial penitentiary.

1885.—During this term many sentences were pronounced far heavier than any which had gone before for years. At this time the celebrated "Black Horse Gang" operated in Montreal, and so when, in the February term, W. Harris, W. Brown, Henry Blondin and Henry Howard, were all convicted of "burglary," they each received fifteen years Provincial penitentiary, and rid the world and Montreal in particular of a set of accomplished scoundrels; P. Monday, not being so bad, got six years Provincial penitentiary.

In this year there were a very great number of commitments for all kinds of crimes. For "forgery," N. H. Hall got twelve years; J. Boissiere, "sacrilege," ten years; S. Camfel, "rape," seven years; John Brogan, "arson," seven years; Wm. Reddy, for "highway robbery," six years, and the following for "burglary," each received seven years: Jos. Corriveau, L. Marcil, Thos. Norman, and John Kinsela. The following got five years each: Jos. Dunn, B. Thompson, John Marks, and O. Cochue. L. Delaunier, for "burglary," got six years.

1886.—To save space for other future and important matter, I will condense the principal sentences of the Court of Queen's and King's Bench from 1886 to the present day, giving only those sentences which ranged from five years and over.

Thos. Eluart—breaking a lock.....	7 years.
P. Gauthier—receiving stolen goods.....	5 "
William Stephens—larceny	5 "
Louis Viau—receiving stolen goods.....	8 "
Thos. St. Jean—receiving stolen goods.....	8 "

In April four men got 5 years each for larceny In June three men got 5 years each for arson and false pretences. Same month, Louis Viau got 15 years for felony. In July, four men each received 5 years for robbery. September, Ed. Massie, receiving stolen goods, 5 years.

1887.—March term.

Fil Lafferté—wounding with intent to kill.....	5 years.
Thos. Lee—shopbreaking	14 "

John Dunn—shopbreaking	14	years.
Js. McArvey—shopbreaking	14	“
P. Maloney—shooting with intent to murder.....	10	“
Geo. Bourque—highway robbery.....	7	“
Jos. Smith—stealing a mare.....	10	“
P. Butler—burglary	7	“
Js. Brown—burglary	7	“
M. Mitchell—burglary	7	“
Frank Ryan—burglary	7	“
Chs. Simmons—burglary	7	“
Jacob Grafford—highway robbery.....	5	“
Chas. Page—forgery	14	“
Ed. Côté—forgery	7	“
Martin Nelson—stealing a mare.....	10	“
Peter Campbell—stealing a horse.....	5	“
John Stael—stealing a horse.....	5	“
Js. Murphy—stealing	7	“
Js. Ferry—stealing	7	“
Jos. Chapleau—wounding to murder.....	14	“
John Fahey—larceny	14	“
Louis Naegele—larceny	14	“
Jos. Bureau—larceny	7	“

One of the most famous cases is the Fahey-Naegele burglaries at the old Bonaventure station here. Fahey and Naegele were detectives, but at the same time desperate characters, who robbed right and left, stealing thousands of dollars. The police were after the robbers, but they did not seem to be able to land them.

At that time, over twenty years ago, the detectives did not have the facilities they have to-day.

The Grand Trunk Railway suffered very much through the actions of these men, and finally one of the Pinkerton force, a man named Wilson, managed to trap the two in a vault, where they were locked up until the police came and arrested them.

This famous capture was due very largely to the planning and directing of Robert A. Pinkerton.

1888.—

James Kerr—stealing	5	years.
R. Pelletier—stealing	5	“
Thos. Homier—burglary	7	“
Michael Ross—larceny	5	“
John Kehoe—murder—to be hanged, but sent for life Provincial penitentiary.		

Chs. Ritchie—for felony.....	7	“
John Ritchie—for larceny.....	5	“
Jos. Pesant—robbery	5	“
A. Doré—burglary	5	“

1889.—

A. Levesque—felony	5	“
Wm. Huddle—larceny	5	“
J. J. Chandler—intent to murder—received imprisonment for life.		

John Vaughan—bigamy	7	“
Aug. Demers—larceny	5	“
Luther McGrath—manslaughter	14	“
G. Fanstina—arson	5	“
Dd. Mackie—stealing	5	“
John Hennessy—rape	14	“
M. Mulchey—rape	14	“
Aug. Charest—stealing	7	“
Wm. Greenlack—stealing	5	“
Fr. Lament—attempted murder—Life imprisonment.		
Jos. Deschenes—stealing	7	“
P. W. Morgan—forgery.....	7	“
Oct. Moisan—attempted murder	5	“
Ed. Deglandon—felony	5	“
Dd. Brown—felony	5	“
Geo. Stephens—felony	5	“
Chs. Watson—felony	5	“
Jn. Campbell—felony	5	“
Frs. Duval—felony	5	“
F. X. Coristine—felony	5	“
Wm. Haynes—stealing	10	“

F. Boucher—stealing letters.....	10	years.
Jn. A. Dawson—forgery.....	5	“
1890.—		
J. B. Daoust—receiving stolen goods.....	5	“
David Campbell—forgery	8	“
Rich. C. Jones—forgery	5	“
John E. Vaughan—bigamy.....	7	“
Geo. Coullard—shopbreaking and larceny.....	7	“
James Martin—shopbreaking and larceny.....	14	“
Leon Hogue—larceny	5	“
Paul Thomas—larceny	7	“
Dieudonné Lecuyer—larceny	7	“
Leon Gagnon—breaking into dwelling and larceny..	7	“
Joseph Church—forgery	7	“
James Fox—breaking into shop and larceny.....	14	“
Joseph Menard—breaking into shop and larceny....	14	“
Parcil Denis—stealing from the person.....	10	“
Arthur Cyril—stealing from the person.....	7	“
Edmond Vallieres—stealing from the person.....	5	“
Chs. Brown—larceny	7	“
Edw. Rooney—larceny	5	“
Henri Masson—burglary	7	“
Zenon Lemieux..shooting with intent.....	7	“
Alexander Thompson—burglary	5	“
Wm. Jones—burglary	5	“
John Gilbert—burglary	5	“
James Coffey—stealing from the person.....	10	“
1891.—		
Elizabeth Phelan—larceny	5	“
Wm. T. Hayes—larceny	7	“
Joseph Beauregard—larceny	5	“
Wm. Chisholm—stealing from the person.....	7	“
Adhemar Martineau—larceny	5	“
Alexandre Couture—stealing from the person.....	8	“
John Burns—robbery	14	“
Henri Gosselin—forgery	10	“
Alexandre Defoy—larceny	5	“

Darius A. Reynolds—manslaughter.....	14	years.
Jean Levesque—larceny	5	"
Alphonse Portelance—receiving stolen goods.....	5	"
Victor Chaput—receiving stolen goods.....	10	"
John Kingsley—burglary	5	"
Oscar Prévost—arson	5	"
Arsène Letendresse—robbery	5	"
Pat Scanlan—feloniously wounding.....	5	"
Avila Bourassa—murder—life imprisonment.		
Alfred Smith—horse stealing.....	5	"
Damase Laframboise—breaking into dwelling and larceny	10	"
1892.—		
Edw. Smith—larceny	5	"
John Leger—larceny	5	"
Jos. Favreau—breaking into shop and larceny.....	7	"
Art. Vezeau—breaking into shop and larceny.....	5	"
Léon Leturny—receiving stolen goods.....	5	"
Wm. Andresse—breaking into dwelling and larceny..	5	"
Nap. Labrêche—larceny	5	"
Jos. Belec—larceny	5	"
Zotique Thibaudeau—gross indecency	6	"
Antoine Prud'homme—shooting with intent to murder	14	"
Augustus Moore—shooting with intent to do grievous harm	10	"
Alph. Brazeau—larceny	7	"
David Burnstein—larceny	5	"
Prime Collier—felony	5	"
Damase Larose—larceny	5	"
Wm. Milton—larceny	5	"
Edw. Carmody—larceny and stealing from person...	7	"
Pat. Scanlan—feloniously wounding with intent....	10	"
Clement Goyette—attempt to shoot with intent to murder	7	"
Ferd. Boileau—incest	5	"
Art. Gregoire—larceny	5	"
James Sinnett, <i>alias</i> O'Brien—robbery.....	5	"

Théodore Robir—arson	5	years.
Olex. Hébert—breaking into dwelling and stealing..	5	“
Prosper Raymond—breaking into dwelling and steal- ing.	7	“
Jos. Brouillette—breaking into dwelling and stealing.	10	“
Geo. Jobin—stealing from the person.....	7	“
John Foley—larceny	5	“
Joseph Ladouceur—larceny	5	“
1893.—		
Ferdinand Lafontaine—highway robbery.....	5	“
Joseph Gaurand—larceny	5	“
Thos. St. Jean—burglary	5	“
Alph. Lafrenière—burglary	5	“
Fred. Moreau—feloniously wounding.....	14	“
Ovide Amyot—larceny	7	“
Alexan'dre Daoust—burglary	7	“
Alfred Choquette—rape	7	“
Antoine Gervais—larceny	5	“
Isidore Therrien—wounding and burglary.....	7	“
Israel Robillard—burglary	5	“
Théodore Marquis—burglary	5	“
John Feeney—burglary	5	“
Wm. Cotman—stealing from the person.....	5	“
Aurele Tardif—burglary	7	“
Louis Lavoie—burglary	10	“
Philéas Hamel—burglary	10	“
Arthur Blanchette—receiving stolen goods.....	5	“
L. G. G. Béliveau—embezzlement	5	“
Joseph Genest—felonious seduction.....	10	“
Courtland Bridgeman..shooting with intent.....	14	“
John Munroe—theft from the person.....	7	“
Pat. Keane—burglary	5	“
Chs. Bousquet—horse stealing.....	5	“
J. B. Dufresne—burglary	5	“
Aug. Tousville—larceny	5	“
Jos. Lamoureux—larceny	5	“
Chs. Lefebvre—arson	5	“

Amédé Doré—burglary	5	years.
Luigi Guaragna—attempt to murder.....	10	"
John McNally—highway robbery.....	5	"
1894.—		
Adolphe Bélanger—wounding with intent.....	5	"
Wm. Charles—burglary	5	"
Chs. Vanderlip—burglary	5	"
J. B. Guenette—attempt to murder.....	7	"
Arthur Léveque—burglary	7	"
Alb. Bismark—horse stealing.....	5	"
Aug. Ed. Demers—burglar.....	14	"
James Kerr—burglary	5	"
Alp. Belisle—burglary	5	"
Thos. Taylor—burglary	5	"
Louis Gauthier—rape	10	"
Louis Mainville—stealing from the person.....	5	"
Xavier Charest—stealing from the person.....	5	"
Arsène Pharon—stealing from the person and at- tempt to rape	5	"
John Brooks—burglary	5	"
Jos. Brière—burglary	5	"
1895.—		
Joseph Wilson—shopbreaking	5	"
Donat Métivier—theft	5	"
Mike Healey—attempt breaking shop.....	5	"
Harry Walsh—attempt breaking shop.....	5	"
Jas. Prendergast—shopbreaking	5	"
Wm. Bath, shopbreaking	7	"
Alf. Lapointe—shopbreaking	5	"
Camille Landry—arson	10	"
Mike Rossiter—theft	5	"
Achille Levêque—aggravated robbery.....	5	"
Elizabeth Jones—stealing from the person.....	5	"
Alderic Lamothe—burglary	5	"
Thos. Delorme—gross indecency.....	5	"
James Chamsford—attempt to steal from the person.	5	"
Josiah Connor—incest	5	"

Geo. Bennett—receiving stolen goods.....	5	years.
Thos. Flaherty—shopbreaking	7	“
Nelson F. Martin—shopbreaking	9	“
John Haynes—arson	10	“

1896.—

Geo. Johnson—attempt to murder.....	7	“
Thos. Williams—theft	5	“
Elizabeth Phelan—theft	5	“
Geo. Holden—attempt to murder and theft.....	14	“
Frs. Pelletier—robbery with violence.....	7	“
Guiseppe Russo—grievous bodily harm.....	5	“
James Haney—attempt to break and enter.....	5	“
Alex. Blaisot—uttering forged bank notes.....	7	“
Wm. Dease—receiving stolen goods.....	5	“
Nap. Labrèche—aggravated robbery	7	“
Régis Blanchette—shopbreaking	5	“
Henry Lépage—shopbreaking	7	“
Isaac Bastien—manslaughter	20	“
John Beiser—arson	7	“
Jos. Lévesque—robbery	5	“
Ludger Thibault—housebreaking	5	“
James Blashfield—shopbreaking	5	“
John Campbell—shopbreaking	5	“
Aldamar Martineau—horse stealing.....	5	“
Francisca Taranta—wounding	12	“
Alphonse Cayer—theft from the person.....	5	“
Antoine Pauzé—theft from the person.....	5	“

1897.—

Oscar Lapointe—shopbreaking and theft.....	5	“
Thos. Clark—theft	5	“
Jas. McGovern—grievous bodily harm.....	5	“
Dan. Steel—grievous bodily harm.....	5	“
Nap. Soubrière—shopbreaking and stealing.....	5	“
Ferd. Archambault—shopbreaking and stealing.....	5	“
Zeph. Thibault—shopbreaking and stealing.....	5	“
Thos. Vandal—rape	10	“

Louis Morier—theft	5	years.
Art. St. Onge—forgery.....	5	“
Chs. Black—breaking, entering and stealing.....	5	“
Jos. Ryan—breaking, entering and stealing.....	5	“
Jos. Lavoie—breaking, entering and stealing.....	5	“
Jos. E. Guigmond—theft.....	7	“
James Cosgrove—breaking, entering and stealing....	5	“
Frs. Labrie—shopbreaking	7	“
Chs. Meech—shooting with intent.....	14	“
Jos. R. Farley—illegally in possession of explosives..	5	“
Alb. Douglas—illegally in possession of explosives...	5	“
Edw. Clarke—illegally in possession of explosives...	5	“
Calixte Dompierre—burglary	5	“
Wilfrid Archambault—robbery	5	“
Chs. L��febvre—burglary	5	“
John McCarthy—burglary	7	“
Pierre Dupr��—breaking and entering.....	5	“
Alph. Marcotte—theft	7	“
Emmanuel Legault—robbery	7	“

1898.—

Henri Margot—burglary	5	“
Ferd. Gargantine—burglary	5	“
Louis Joly—theft	5	“
Ls. Lemieux—burglary	7	“
Alf. Lortie—theft	5	“
Pat. Crow—burglary	5	“
Jos. Lalonde—murder	7	“
Gedeon Deguire—murder	7	“
James Kane—woundings	10	“
Alexis Jaubarue—rape	7	“
John Davis—burglary	5	“
Edw. Berrigan—theft	5	“
Geo. Bayard—murder	6	“
Ovila Bourdeau—theft	5	“
Omer Jacques—theft	5	“
Arthur Gravel—theft	5	“
John Nesbitt—murder	5	“

Wm. Wallace—attempt to commit murder.....	5	years.
Raoul Gareau—breaking, etc.....	7	"
Gaudias Fournier—breaking, etc.....	7	"
Ernest Heroux—breaking, etc.....	7	"
Peter Ray—breaking, etc.....	7	"
Ls. Giguere—breaking, etc.....	7	"
Chs. Granger—breaking, etc.....	7	"
Isaie Lasablonnière—theft	5	"
Xénophile Riopel—rape	10	"
Elzéar Mann—murder—life imprisonment.		
A. Gauthier—burglary	5	"
H. Levesque—burglary	5	"
A. Joly—theft	7	"
J. Gagnée—burglary	7	"
A. Lavallée—burglary	7	"
E. P. DeCubellis—counterfeiting coins.....	5	"
Aug. DeCubellis—counterfeiting coins.....	5	"
Ferd. DeCubellis—counterfeiting coins.....	5	"

1899.—

Henri Lalonde—burglary	5	"
Felix Dupont—breaking, entering and wounding....	7	"
Alph. Vallières—breaking, entering and wounding..	5	"
Edm. Racette—breaking, entering and wounding....	5	"
John Larney—attempt to rob on person.....	7	"
J. B. Pouliot—highway robbery.....	5	"
Almanzar Lefebvre—highway robbery.....	5	"
Alph. Belisle—breaking, entering and stealing	6	"
Arthur Fiset—forgery	7	"
Rod. Contant—shopbreaking	5	"
Amédé Doré—theft and breaking and entering.....	9	"
Xavier Champagne—theft	7	"
Thos. Jones—assault with intent to rob.....	5	"
Authur Goupil—robbery	5	"
Chs. Landreville—breaking and entering.....	5	"
James Sheridan—theft from the person.....	5	"
Michael Rossiter—shopbreaking	7	"
Martin Dwyer—shopbreaking	5	"

James Martin—breaking and entering shop.....	5	years.
Philiias DeRoy—gross indecency.....	5	“
Abdalla Bichami—rape—Life imprisonment.		
John Callaghan—assault with intent to rob.....	5	“
Chas. A. Martin—assault with intent to rob.....	5	“
Geo. Pigeon—theft	5	“
Damase Larose—shopbreaking	7	“
James Prendergast—theft	7	“
Geo. E. Stone—subornation of perjury.....	5	“
Albert Robert—highway robbery.....	5	“
Edw. Brennan—breaking and entering.....	10	“
Octave Cyrie—shopbreaking and theft from the person.	10	“

1900.—

Azarie Riendeau—rape	5	“
Art. Levesque—housebreaking	7	“
Thos. Elliott—shopbreaking	5	“
Ald. Beaudoin—breaking, entering and stealing.....	7	“
Thos. Benard—breaking, entering and stealing.....	5	“
Roaul Dufault—shopbreaking	5	“
Paul Labrie—incest	5	“
Marie Labrie—incest	5	“
Victor Mailloux—arson	6	“
John Smith—burglary	5	“
Ferd. Lemieux—conspiracy	7	“
John D. Roach—highway robbery.....	20	“
Evangeline Joly—theft	9	“
Louis Eumène—theft	6	“
Sam. Graham—theft from person.....	7	“
Alf. Casavant—robbery	5	“
Wm. Laroque—theft	14	“
John W. Fulton—theft	5	“
Ed. Graham—burglary	5	“
Alf. Lalonde—wounding with intent.....	7	“
Chs. Lamontagne—theft	7	“
V. Castand de Lautrec—forgery	5	“
Jean Chevalier—robbery	6	“

Ed. Tourangeau—robbery	6	years.
Leonidas Gareau—burglary	5	"
1901.—		
Edmond Durocher—breaking, entering and stealing..	6	"
Ludger Dastous—breaking, entering and stealing....	5	"
Jos. Breton—theft from the person with violence....	5	"
Jas. Woods—theft	5	"
Jos'ne Perrault—alleged prostitution in her house..	5	"
Edouard Giroux—theft from the person with violence	5	"
Alph. Belanger—theft from the person with violence.	5	"
J. E. Plamondon—theft from the person with violence	5	"
Wm. Whalen—conspiracy	5	"
Wm. McDonough—conspiracy	5	"
Alex. Monette—highway robbery.....	5	"
O. Pelletier—attempt to commit arson.....	7	"
David Barsalou—attempt to commit arson.....	7	"
Michael Ennis—theft	5	"
Jos. Chaput—theft	5	"
Alexis G����������—burglary	10	"
Th����������—theft	5	"
Armand Voyer—theft	5	"
Jos. E. Constantin—stealing post lettetrs.....	6	"
Cyrille Chartrand—burglary	5	"
Berth. Wright—theft	5	"
Chs. Beaudoin—burglary	5	"
Robt. Inskip—burglary	5	"
John Fury—highway robbery.....	7	"
Geo. Taylor—burglary	5	"
Thos. Jones—aggravated robbery.....	5	"
Wm. Scott—aggravated robbery.....	5	"
Amab����������—attempt to murder—life imprison- ment.		
Peter Higgins—theft	5	"
Graham Fenton—theft from the person.....	5	"
J. B. Gagnon—theft	5	"
1902.—		
Edmond Tremblay—robbery	6	"

Eugène Desmarteau—robbery	6	years.
David Sutherland—attempt to murder.....	21	"
Edouard Laurin—manslaughter	14	"
John Atchison—aggravated robbery.....	5	"
Nap. Labrèche—shopbreaking, etc.....	7	"
Dieudonné Lecuyer—burglary	7	"
Edm. Côté—breaking, entering and stealing.....	7	"
Frank R. Lacey—theft from the person.....	7	"
Alexandre Merineau—shopbreaking	5	"
Wm. Moore—counterfeiting	7	"
Alfred Nebbs—breaking	5	"
Wilfred Côté—housebreaking	7	"
Nellie Thurnston—theft	7	"
Peter Sheppard—attempted incest.....	5	"
Alfred Besançon—theft as servant.....	5	"
Wm. O'Hara—robbery	10	"
Alb. Trempe—aggravated robbery.....	9	"
John Hennessy—aggravated robbery.....	10	"
Michael Meade—receiving stolen goods.....	5	"
Emile Paquette—theft	5	"
J. R. A. Poitras—stealing post office letters.....	5	"

1903.—

Stanley Cooper—housebreaking and stealing.....	10	"
Chs. Drolet—gross indecency.....	5	"
Jos. Blanchette—burglary	5	"
Arias Corriveau—robbery	6	"
Alb. Vezina—housebreaking	5	"
Edouard Rousseau—shopbreaking	5	"
Geo. Demers—robbery	5	"
Art. McLeave—receiving stolen property.....	5	"
Wm. Latter—receiving stolen property.....	5	"
Aug. J. Leclair—forgery	5	"
Jos. Ed. Guimond—theft	7	"
Ed. Chouinard—forgery	5	"
Parcil Denis—perjury	8	"
Isidore Thérien—burglary	5	"
Horace Duval—forcing abortion.....	5	"

Chs. A. Barber—compelling to sign promissory note.	7	years.
Arthur Perras—shopbreaking	5	“
Camille Desormeau—attempt to murder.....	15	“
Jos. Brière—breaking with intent to steal.....	5	“
Alf. Rochon—theft	5	“
Chs. Dorfman—burglary and receiving.....	9	“

1904.—

Joseph Laporte—theft	5	“
Lucien Bernard—murder	10	“
Jos. Ryan—attempt to murder.....	8	“
Louis Eumène—wounding	10	“
Jos. St. Germain—burglary.....	7	“
Fior Angelo Morelli—manslaughter	10	“
Wm. Girard—theft	5	“
Leopold H. Durant—theft as a servant.....	5	“
Edward Davidson—burglary	5	“
Magloire Hogue—murder—life imprisonment.		
D. Alph. Hamel—forgery.....	7	“
Antonio Giaconi—murder—life imprisonment.		
Napoléon Fouquet—murder—life imprisonment.		

1905.

Martin Cantwell—forgery and false pretences.....	5	“
Wm. Guillaume—theft from the person.....	5	“
Frank Pelletier—theft	5	“
Guiseppe Scisento—manslaughter	7	“
Xavier Vaillancourt—receiving	5	“
Adelard Savard—theft from the person.....	5	“
Joseph Doré—theft	5	“
Edw. Kelly—firing with intent to injure.....	5	“
François Bois—theft from the person.....	7	“
Philippe Morel—burglary	5	“
Léo Guertin—theft	5	“
Philip McKay—gross indecency.....	5	“
Frank Mooney—attempt to murder.....	12	“
Albert Giroux—burglary	6	“

1906.—

Edmond Desormeau—theft	7	“
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Joseph Lambert—attempt to steal with violence....	10	years.
Cyrille Chartrand—theft	6	“
Henri Quenneville—forgery	5	“
Luigi Rossi—burglary	5	“
Jos. Page—burglary	7	“
Arthur Michaud—burglary, etc.....	5	“
Geo. Beliveau—burglary	7	“
Alexandre Brunet—theft and arson.....	7	“
James T. Hackett—manslaughter.....	25	“
John R. Butler—arson.....	5	“
Geo. Baker—horse stealing	5	“
Arthur Leroux—burglary	5	“
Honore Savard—burglary	5	“
Owen McPhillips—theft	5	“
John Woods—burglary	5	“
Phileas Royer—burglary, etc.....	5	“
Frs. Bisson—burglary, etc.....	5	“
Arthur Major—theft	5	“
Maurice Jacobs—theft as servant and forgery.....	10	“
Robt. Walker—attempt to murder and burglary....	20	“
Jennie Barry—theft from the person.....	7	“
Mary Callaghan—theft from the person.....	5	“

1907.—

Wm. J. McGee—theft as a servant and forgery.....	8	“
Ovila Béland—burglary	5	“
Ismael Bourret—burglary	5	“
Jos. Drolet—burglary	6	“
Adélard Vézeau—horse stealing.....	5	“
Gustave Béréault—burglary	6	“
Jos. O. Motard—forgery	5	“
Louis Vermette—gross indecency.....	5	“
Henri Hamelin—theft	5	“
Alf. Leveillé—theft	5	“
Jos. E. Costin—forgery	5	“
Alf. Beauchamp—theft from the person.....	7	“
Walter John Steven—theft.....	5	“
Josephal Gus. Lambert—theft from the person.....	5	“

THE FEMALE PRISON.

About A.D. 1870 the citizens of Montreal began to be stirred up, regarding prison reform. Not every one knew that the jail was divided into two departments and yet seemed all one, for the House of Correction was included in the jail proper. It takes a long time for Governments and Corporations to move. They move slowly, but the City of Montreal had a gentleman then in its Council who worked hard and strenuously for the amelioration of the poor and criminal classes, and that man was Charles Alexander. When he represented Montreal in the Local Legislature his voice and influence were always exerted in their cause—and the lasting testimonial to his name will ever be in the Boy's Home. Greatly through him at last the Female Prison became an accomplished fact and the men were separated from the women and after years of striving and struggling some movement was made for a separate female prison. An editorial of the *Star* shows what the movement was then—previous to the erection of the Fullum Street Female Prison. "A deputation left this city yesterday for Quebec accompanied by the Rev. M. Huberdeau, for the purpose of applying to the Local Legislature to obtain the old military prison at Hochelaga as a House of Correction for female prisoners. The delegates chosen for this important duty are Aldermen Bernard, Alexander, David, Wilson, Simard and Councillor H. Lyman. His Worship the Mayor leaves to-day. We sincerely hope their efforts will be successful and that the Government will give them a favourable hearing."

This attempt fell through, on account of the Providence Nuns having rented the buildings for a lunatic asylum whilst their large establishment was being built at Longue Pointe—but the following short notice appearing sometime after, in one of the newspapers, speaks for itself. "The Rev. Father Huberdeau and the Rev. J. D. Borthwick, chaplains to the gaol, with the

very Rev. Father Arrow, of the Montreal Seminary, returned from Quebec last Thursday where they have succeeded in arranging for the immediate erection of a female prison in Montreal. The gentlemen of the Seminary through the very Rev. Father Arrow, have presented to the local Government, free from all incumbrance no less than twelve acres of land within the limits of the city and near the present gaol, where will be erected a model prison for women. The move is a great success and redounds to the energy of the two chaplains and the liberality of the Seminary of Montreal."

The liberality of the Government was greatly taxed and the loan of \$25,000 from the city of Montreal needed before the building was at last erected and the prison an accomplished fact. Nevertheless only the Roman Catholic women were its inmates for the first eight months on account of some misunderstanding between the Government and others. All these "others" were determined that the Protestant prisoners should be under a Protestant matron and after much squabbling and some acrimony, it was arranged that they should have a section of the building all to themselves, which has thus continued to the present day—at great expense to the Government. All the women are now and have been for years past sent to the female prison in Fullum street and so vast has been the success and change in every thing connected with them, that it is a subject of wonder to all. Abandoned women, who used to be the terror of the ward, have either been sent away quite changed creatures or are still in prison, quietly and patiently obeying the rules and behaving themselves as one would wish.

The Prison Inspectors too, have had a great deal to do with the establishment of the female prison. The Chairman L. L. L. Desaulniers, M.D., M.P., and H. H. Miles, LL.D., as inspectors, were indefatigable, both personally and in their annual reports, in advancing the new order of affairs. Perhaps an extract from their official report, anent this female prison (date, 1874-75), will more clearly show what they mean and what will yet be the outcome in future of all the agitation and advancement made for the past fifteen years.

"The female prisoners once placed in their new prison, we should have ample room in the present gaol to lodge all the men, and thus the difficulty, will be overcome, this year, of removing the prisoners to other prisons and will not occur again.

It was easy to see that this transfer of prisoners would not have been necessary, were the female prisoners removed to a prison specially erected for them. It is on this account that we have strongly recommended the construction of this prison. It is also on this account that the Press, and men holding high positions in the country have spoken in the same sense and have insisted upon immediate action. With a like expression of public opinion, the government decided to erect it. But before having plans drawn and engaging in heavy expense, it employed competent men to study the question, and in the meantime was engaged in looking out for the best means for its internal management, to the end that the institution might answer the purpose for which it was founded, principally, we may say, the moral reform of so many unfortunate beings, at present entered in the books of the gaol, without hope of any amendment."

The result of the deliberations of the government and the researches of those to whom the subject was submitted, was that the direction of this institution should be confided to the Ladies of the Community of The Good Shepherd. The idea, of placing the Nuns at the head of a like establishment surprised, without doubt, and clashed with the opinions of a certain number of our Protestant fellow citizens, but it received the approbation of the majority of the country. Moreover this idea was not new.

It is now many years since the well known Dr. W. Nelson, then Inspector of Kingston Penitentiary, suggested this thing in writing, "that until they decided to build a new prison for women nothing would be easier or more economical than to send the female prisoners to some asylum or charitable institution, such as the Sisters of Charity or Good Shepherd."

"There," he added, "these poor women, lost and driven from society, would find an asylum, consolation, comfort and nourishment, physical and moral. Their temperaments repose, their Christian duty and religious obligations are there explained,

and to the discipline is added the powerful elements of encouragement and hope."

"The entire management of these institutions of refuge is perfect and admirable. The tender and maternal treatment, subduing the most hardened, urges them to serious reflection and helps towards repentance and reform."

Speaking of the future central prison in connection with that of the female prison in Fullum Street they thus report in 1874-75:

"For many years the inspectors continually recommended the separation of the men and women, and the government finally determined to bring about this important change. In asking so perseveringly for a complete separation, the inspectors were actuated solely by the hope of effecting more quickly and effectually the moral regeneration of the men and women, especially of the latter.

The women's ward in the present gaol being removed, left the whole of the gaol to the men. It was therefore easier to grant relief to the latter, while at the same time classifying them better. As to the women, it had been decided to place them under the care of some order of Nuns, because, in the opinion of the Government and of the inspectors, such a course promised better results.

The present gaol was therefore built and the Nuns of the Good Shepherd were placed in charge. From this period dates the real progress, the actual and striking change in the behavior, habits, and even the personal appearance of the prisoners.

Upon visiting the prison, it is edifying to hear hymns and prayers instead of swearing and blasphemy. Instead of witnessing shameful obscenities and hearing scandalous conversation, one admires the modesty, good behaviour, and silence of the prisoners. The utmost order prevails everywhere, and even politeness is observed by those creatures, once fallen so low and so uncouth.

Instead of living in corrupting idleness, the women are occupied with useful and improving work. In fact we can but congratulate ourselves upon the success obtained in the manage-

ment of this prison, in respect of the improvement both materially and in the character of the prisoners." I may add, both Roman Catholic and Protestant.

No one knows better than the Author, who has been the chaplain of the Protestant division from its very beginning, that all this is true. In the old days when both men and women were huddled together in their respective departments, very often the old jail was a veritable Hell upon earth. I would not dare to write what obscenities and blasphemous conversations were carried on in these days, but all this is passed and a better order of things now prevails.

THE MILITARY PRISONS.

Not one man in a thousand of those who visit St. Helen's Island knows that where they land on "L'Isle Ste. Helene," they are only a few paces away from where the military prison of the Island stood in olden time. It was erected early in the 19th century and afterwards destroyed by fire in 1848.

The burning of this prison which was one of the landmarks of Ste. Helen's Island, furnishes an incident which is of peculiar interest. When the fire broke out in the prison, Medar Dufresne, who was employed as boatman to the Island, received an order to take across to the mainland forty prisoners who had been driven from the prison by the conflagration. It was in the month of December, and the river was full of great cakes of ice that rendered navigation very hazardous. The boat was full of prisoners and a hundred times was on the point of capsizing, but the prisoners bravely came to the aid of their guardian, and it was due to their devotion that in the end the passage was safely effected.

The superintendent of the prison at the time was W. Nighth, who had the pretentious title of Governor. His house was reduced to ashes at the same time as the prison. After his charge had thus been taken away he remained for some years as general guardian of the military stores.

Each year from this time until the year 1870 the English regiment in garrison at Montreal sent one of its companies to camp on the island. While Prince Arthur was an officer here he spent two weeks there with his company. A little fleet of boats belonging to the English Commissariat department, served to transport men and supplies from the mainland. Delinquent soldiers from the island were sent to the military prison at Hochelaga, which was then opened about 1858-9.

MILITARY PRISON AT HOCHELAGA.

This prison was one of the first class prisons in the army regulations and served for delinquents not only in Montreal and vicinity, but many parts of Upper Canada (Province of Ontario). The writer of this description was the late well known war correspondent, Archibald Forbes, than whom, no other brilliant war correspondent, except, perhaps, Russell, was ever so distinguished in his career. As he says, he "opened the seals," and this article copied into the *Army & Navy Gazette*, opened the eyes of the War Office of England, and shortly after a new Chief Warder was appointed, who continued till the Troops were withdrawn in 1871. Forbes was the son of a Scotch Presbyterian minister in the North of Scotland. Being of a wild temperament when quite a young man he enlisted, and in 1865 was in Montreal with his regiment.

We will now let him tell the story in his own graphic writing—but in a condensed form.

LIFE IN MILITARY PRISON.

In 1865, when stationed in Canada, I became an inmate of the Montreal military prison, all through taking a drop too much. I never was in any such position before. Now, the management of military prisons is a sealed mystery. I shall open the seal. It may be as well to remark at the outset that Montreal Provost is not an exceptional prison—better or worse than its neighbors. The principles upon which British military prisons are conducted may vary in minor details, but the general system is the same in England as it is in New Zealand, in Canada as in India, on Cork Hill as on the Rock of Gibraltar.

Montreal prison consists of two separate buildings. One contains the offices, as well as stores, and three large wards, one above the other, for prisoners. These wards accommodate about sixty delinquents. They resemble three common large barrack-rooms; only everything goes on there in silence. You hear no chatting, laughing, whistling, singing, or swearing.

The other building, two stories in height, consists entirely of cells, about eighty in number.

You enter the yard of Montreal prison by a wicket-gate. The escort is there to see you in; the prison chief is also there to receive you, if not with open arms, with open bolts and bars. The non-commissioned officer in charge of the pilgrim rings the bell, and hands in the "committal"—an important document containing all that is necessary to know concerning the offender, as well as his regimental officer's testimony that he is fit to undergo imprisonment with hard labor. When the chief has examined the "committal," and found it correct, the prisoner is marched in, leaving him as completely buried to the world as if they had broken the clods upon his coffin-lid, and said, "Earth to earth, ashes to ashes, dust to dust."

Two o'clock p.m. is the hour of day fixed for admission. The prisoner gets no supper on the evening of his entrance—not being, as yet, in the prison "mess"; but he is allowed to carry in something for supper along with him. I took in a two pound loaf, stuck in the breast of my great-coat. Inside, the first question asked was, "Have you any pipes, tobacco, matches, money, or knives about you?" I answered, "No." But my word was not taken. After being searched for these contraband articles, I was marched to the warder in charge of the "receiving-room," and handed over to his mercies. I felt a secret hatred towards this man at first glance, and further knowledge deepened my first impression. In his hands I was soon undergoing the same process that Samson underwent at the hands of Delilah when betrayed to the Philistines. Having a pair of scissors in his right hand, with his left he seized the long hair surrounding the head first, shearing it to the very roots. He then, without a comb, went round and over the skull, from front to rear; clipping down to the scalp. Working as he did, without a comb, he left the head covered with shear-marks. This business finished, "There, now, take one of those razors," he said, pointing to a window-sill where lay two or three of those instruments,—“and shave off your whiskers, moustache, everything, from ear to ear.” I obeyed the order. Obedience is

the first duty of a soldier—more especially in a military prison. “Now go into that corner. Take off your clothes, and throw them out into the middle of the floor. Then go into the tub there and wash yourself all over.” The corner pointed out was screened off from the rest of the large room by barrack sheets and rugs. Within the veil there was a large tub half-full of water. While performing my ablutions, a prison suit was flung in to me, through the curtains. It consisted of a flannel shirt and a pair of drawers; trousers of coarse grey cloth, vest and jacket of the same material. The jacket is faced with red, and had leaden buttons, on which are the disagreeable words, “Military Prison.” The cap is a common infantry forage-cap, with the letter of the ward to which the new-comer is to belong, and the number of the berth, cut out of red cloth, sewed upon the front. These articles, along with a pair of well-darned socks, and a pair of well-worn “ammunition” boots, made my complete outfit.

I was now marched into the “shot-shed,” where the most severe part of the punishment is carried on. The place is large, affording easy accommodation for a hundred and forty men at shot-drill. It consisted of an old and a new shed, the new one having probably been added when the prison was enlarged. When I entered, the shot-drill had just been finished, and the prisoners, about one hundred and twenty in number, were marching in dead silence round both sheds at a good sharp quick-march pace. I filed in. There were warders stationed here and there to prevent talking, or any other breach of prison discipline. There they stood ready with admonition and threat; they had also their little note-books at hand, ready to put their threats into execution. “Close up, No. 13.”—“Hold up your head, No. 19.”—“Look straight to your front, No. 26.”—“Keep your arms close to your sides, No. 7.”—“What are you two fellows of the 25th Regiment doing there together? Drop behind one of you. You’d better mind what you’re about.”—“There’s three men of the Artillery all in a row, by G—d! I’ll take every one of your names.”

These, and similar threats and exclamations, intermingled with more oaths than one can set down, were heard from all sides. But no replies were made: that would have been treason. To explain. The numbers called were the numbers worn by the men in front of their caps. The head must be carried straight erect, and looking right to the front. Although a man were to fall down dead within a yard of the right or left of a prisoner, he must not turn his eyes to look. "Keep your arms close," means that from the shoulders down they be plastered to the sides of the body as if pinioned there, with the palms of the hands turned full to the front, fingers extended. All marching, or walking, within the walls of a military prison is performed in this attitude. Even when carrying anything in one hand, the other hand and arm must be fixed in this posture. Again, two men of one corps must never be found together—either marching round, picking oakum, at shot-drill, divine service, at any time or at any place. This precaution is taken to prevent communication between acquaintances, either by touch, sign, word, or glance. All violation of these rules are punishable by loss of supper or sentence to bread-and-water. This marching round lasts about twenty minutes.

On the word, "Form up!" being given, the whole of us, in a few seconds, were formed up, and standing at "attention," immovable as statues. Then in about two minutes, three or four "classmen" arranged several rows of benches along the shed. The order "Sit down!" was given, and all were down in an instant. A "classman," with a basket in one hand, passed smartly along the sitting ranks, dropping a knee-cap in front of each man. Another "classman" followed, dropping a piece of junk (old ship ropes cut into lengths of about five inches), in front of every man. In less than a minute, knee-caps were buckled on the right knees, and everyone was busy untwisting, rubbing, and working the old junk into oakum.

The "classmen" who served out the oakum, and who are always at hand to do any light work, are prisoners who have served some time on the premises, and have never been reported for any offence. They are exempted from heavy shot-drill,

and have the advantage of two hours at school in the evenings.

I had never seen oakum picked. But, glancing stealthily right and left, I made haste to do what I saw others doing. "Come, mind your work there, No. 26" (that was my number); "no looking about you here. If you commence that work you'll have many a day's bread-and-water to do." Then the warder who had just checked me came close up to my front, and asked, not in a very winning voice,—“Did you ever pick oakum before?” “No.”

“Look here, then, you'll never pick oakum in that way of working. Take it in this manner.” And he gave me a few directions, but with more zeal than judgment. It was sad uphill work. My progress was slow, and I murmured, inwardly, “the way of the transgressor is hard.”

When we had worked at the oakum-picking about three-quarters of an hour, the word “That'll do,” was given by the senior warder. Down dropped the oakum, off went the knee-caps, and all sat silent, with hands on knees, heads erect, looking straight to the front, as motionless, and in exactly the same position, as the figures in front of an Egyptian temple.

Classmen again passed smartly along the silent ranks, picking up knee-caps, junk and oakum, as rapidly as they had previously dropped them. “Rise up.”—“One pace to the front.”—In a moment benches were piled away by the classmen. “Ranks, right and left face, quick march!” and the whole were again marched round the sheds, in long, silent, single file. The march this time did not last over three or four minutes, when the command, “Form up!” was again given. But I saw that the “form up” this time was not to be the same as before.

There were two doors opening from the sheds into the yard. Men filed rapidly out at both doors, and formed up outside, in six or seven different single ranks. The movement was a mystery to me. But I followed the man in front of me; when he went out, I went out. In the rank he formed up, I also formed up. But the warder in front of the rank attacked me in a moment,—“What do you want here? You don't belong

to the cells. Don't you know the letter in front of your cap? You belong to 'B' ward. Get out of this!"

Here I was in a fix. Where *was* "B" ward? I dared not speak to any one and ask. Driven from my first rank, I was hurrying from rank to rank, looking at the front of the caps in each rank, to find letter "B," when I heard the roar of the senior warder:—"What the devil is that fellow doing dancing about there?" Quick as lightning, five or six subordinate warders were round me. "Who are you?"—"What are you doing?"—"What do you want?"—"Have you lost anything?"—"Is the fellow drunk?" were the questions showered around me, until I was shoved into "B" ward at last.

As soon as all the men of each ward, as well as those of each corridor of cells, were formed up in their respective single ranks, classmen again passed quickly along each rank with baskets filled with junk (this time the junk was carefully tied up in small parcels), flinging a parcel at each man as they passed him; which the man, without taking time to look at it, placed under his left arm. This done, the senior warder walked along the front of each rank, counting his men. He must count his men every time they are formed up, about half a dozen times a day. Just as he finished numbering his people, the chief of the prison entered the yard, with some slips of paper in his hand. The senior warder called "Attention!" then turning to the chief, reported, "129 prisoners, sir." "That's right," replied the chief.

We marched off one by one, at four paces distance. Previously warders were stationed on the roads leading both to the cells and the wards, at ten or twelve paces distance, so that no prisoner could be a moment out of observation. The tongues of the warders, as they stood at their posts, were not idle. When I passed the first, he shouted, "Step quicker!" The second, "Hold up your head!" The third, "Keep your arm close!" The next, "Look to your front!—You don't come here to look about you." Sharp work this, I said to myself.

After thus running the gauntlet, I reached my berth at last. It consisted of a common iron barrack-room, bedstead. Upon

it lay a pillow, and an old military great-coat, folded. On the shelf, above the bedstead, were a pair of barrack sheets, neatly folded. At one side of the sheets were placed a pair of shoe-brushes, a clothes' brush, a button-stick and brush, and a knee-cap; at the other side of the sheets lay a Bible and prayer-book.

Every prisoner in a military prison lies without either bed or bedding for the first seven nights after admission. After this period of wholesome probation, he is allowed a bed every second or alternate night. Thus, suppose you and I are alongside of each other. If you lie upon the bed to-night, and I upon the board, then I get the bed to-morrow night, and you take the board. Thus one bed serves two men.

I followed the rule of the "order." Not being entitled to a bed, I appropriated a board, put on the old great-coat I found in my berth, and lay down. It would be murdering a fine poetical phrase to say that I lay with my "martial cloak around me," for the cloak had as many patches on it as if it had been doing duty on the back of a "gaberlunzie." The bell which set us a-bed-making was rung at a quarter to eight. At eight o'clock its tinkling made every man, with or without bed, take up his position for the night. In a moment there was as little stir or life in the large hall as if it were tenantless. We did not lie with our heads all one way. In that position whispering might be carried on. If the man next me lay with his head towards the top of his bed, I lay with my head at the foot of mine, and so on all round the ward.

Precisely at eight o'clock, the chief of the prison, keys in hand, marched up one side of the ward and down the other, to see that all his lambs were in the fold. The warder on watch then locked us in, and took his post in the narrow passage outside for the night. Here, by the aid of lamps and loopholes, we were under his observation every minute throughout the long dark night; not a motion of a limb but could be seen by him. Towards morning sleep deserted me altogether, I was so cold. Although I knew the day would bring punishment, yet I longed for it. At length morning began to break and the prison lamps

to burn dim. A bell rung. I made a start, thankfully, to rise; but the man on my right whispered, "Don't move!" The bell was again rung. On command, the man next the door marched out; the man next him followed, at four paces distance, and so on, until we were all again formed up in single file down in the shot-shed.

Here we were ready for the commencement of another new day. Small parties of eight or ten each, in charge of warders, were despatched all over the prison and prison-yard on various duties. The men left sat down to pick oakum. By this time I was beginning to master the process, though it was always a hard push with me to complete my task. However, I was fortunate in never getting punished for my oakum as others frequently were.

An hour was allowed for breakfast. During this hour we were busy cleaning our leaden buttons, brushing our boots, polishing our tin measures and iron spoons, folding the old great-coats, and otherwise making everything neat and clean and—I was going to say—comfortable, but that word will scarcely do here.

When all were formed up, we "marched round" about fifteen minutes, and then formed up again, Catholics in one shed, and Protestants in the other. Prayers are said every morning in a military prison. Though short, they are not few. Our place (the Protestants' place of worship) was in a ward where forms were arranged for the grey-coated, bare-headed worshippers; a desk fixed for the chaplain, with a smaller one in front of that for the clerk. Half an hour was the time allowed daily for "divine service." The prisoners must sit erect, looking right at the parson. You might search the whole of Christendom and not find a more silent, serious congregation. There is no examination of one another's dresses there, nor "soft eyes looking love to eyes that speak again." Warders were seated at every point, ready and willing to take note of the slightest irregularity. When all were seated, books in hand, the pastor of this little flock entered hurriedly from his room, and dropped on his knees at the desk. He began immediately, and went on, if not with great earnestness, with very considerable rapidity. The

earnestness, with which the responses were read by the shaven congregation astonished me a little. There was no order compelling us to read, yet it was very generally done. Perhaps the poor fellows read aloud just for the pleasure of hearing their own voices: a luxury under our severe silent system. Perhaps not. It is just possible that for the time being they were really serious. After prayers we had a sermon. It was short, but could not be called sweet. The subject was the fall of the tower of Siloam. Its treatment was not edifying, and I fear it produced little fruit. Sermon over, he pronounced the blessing and hurried away from his desk with as much precipitation as he entered. The clerk now called my name, along with the names of several other new-comers, and then paraded us in front of the chaplain's sanctum. Our instructions were, "Take off your caps, shut the door behind you, and salute the minister." While we were thus paraded the rest of the congregation filed off and formed up in the shot-shed. We entered into the reverend presence one at a time. When I found myself before the holy messenger he was seated at a table, on which lay before him the new-comers' "committals." Mine was in his hand. He read from it my regimental number, name and crime. "That's your name?" Yes, sir." "Your crime is drunkenness?" Yes, sir." "Will you take the pledge?" "No, sir." "Well, I'll see you again the day before you leave this. That'll do." And so began and ended my interview with our spiritual adviser. It was part of his duty to see every prisoner, of Protestant principles, the morning after joining the "order," and again on the morning before quitting it. As a thing of course, the morning before leaving I again went into his presence, when I was asked the same question about taking the "pledge," and returned the same answer. From those who had been repeatedly in the prison I learned that the whole of the chaplain's private spiritual admonitions consisted of, "Will you take the pledge?"

Morning parade over, we prepared for shot-drill, the grand part of the punishment. I feel some difficulty in conveying to the uninitiated, in mere words, a clear notion of the manner and severity of this punishment. Along the sheds wooden octagonal

shaped blocks, about three inches in depth, were arranged in rows, eight blocks in each row. In the centre of each block there was a small cup, or hollow, in which a thirty-two pound shot can rest. At each end of the sheds there was a row of triple blocks; that is, blocks made with three cups so as to hold three shots. Between each row or rank of blocks and shot there was a distance of five paces. When all were properly formed up and "dressed" the senior warder passed along the front of his men, numbering them off by eights, giving each eight right or left wheel, facing each eight up to a row of blocks. All ranks in position, the word "attention" was given, and every man sprang up, ready for action. All eyes were directed to the far end of the shed. There, some one prisoner, selected by the warder at the end to give the time, had his right hand raised above his head, fingers extended. After a pause the prisoner with the uplifted hand bent slowly over his block, the whole hundred and twenty prisoners bending with him. In this motion the knees and legs must be kept perfectly close and straight, the bend of the body being only from the haunches upward. When low enough, every man lifted his shot, raising it in the hollow of his right hand, supported by the left. Then raising the body slowly, legs and knees still kept close and straight, he faced to the right-about, marched five paces to the next row of blocks, which were now empty. When there, a pause was made while "two" could be counted, then every one bending together slowly over knees still straight and close, the shot was deposited in the empty blocks as gently as if the blocks had been made of glass. There must be no noise in laying down the shot. A shot rattling upon the block may cost a man his supper, or twenty-four hours' bread-and-water,—things not very pleasing to contemplate when a man's rations are already down to the starving point. The pauses and gentle laying of the shot are planned to increase the severity of the punishment. The shot deposited, all rise slowly up, again face about, march five paces back to the blocks they had just emptied, and find them again supplied with shot. Again they bend over, again lift the shot, again face to the right-about, and march five paces back to the blocks which

a minute before they had filled, but now find empty, and which they again fill. Three times this movement is repeated, which leaves the triple-loaded blocks at one end of the shed empty, and the triple row at the other end loaded. A pause is made. A prisoner at the loaded end raises his hand, as the prisoner at the other end had previously done. We follow his signal, bend over with him, and so on, over and over again. No noise was heard, although a hundred and twenty soldiers were marching to and fro at their purgatorial punishment; no voices, except the voices of the warders: "Keep your knees straight, that man of the Royal Artillery, No. 11; no bending of the knees either in lifting or laying the shot." "Keep your heels close, that man of the Rifle Brigade: if I have to speak to you again I'll take down your name." "Carry the shot out from your body, that man of the 30th Regiment, No. 21; the shot must be carried four inches in front of the body, and the elbows square; if you don't know how to do shot-drill we'll try and get you a little extra drill until you learn." "That man of the 25th Regiment, No. 3, is making too much noise laying down his shot; if he gets his supper stopped to-night he'll perhaps lay down the shot easier to-morrow." This was the sort of music we had for our march.

From eleven o'clock a.m., till half-past twelve o'clock noon, was the time fixed for the performance of this humane exercise. When the report of the twelve o'clock gun from St. Helen's Island struck my ear I was always thankful. "Only half-an-hour before," I used to say to myself; and yet it was a long half-hour.

Days and nights all the year round are in every particular exactly like the day and night just described. The exceptions are so trifling as scarcely to deserve notice. Sunday is one exception. On that day there is neither shot-drill nor oakum-picking. An hour in the forenoon is taken up in hearing the prisoner regulations read, and half-an-hour in the afternoon with divine service. All the rest of the day the prisoners are either marching round or sitting on their three-legged stools. Tuesdays and Thursday are also exceptions, so far as dinner is

concerned. On these days each prisoner gets for dinner eight ounces of bread and a pint of soup with eight ounces of meat boiled in it. These dinners are so immeasurably superior to the Indian porridge, that they are looked forward to and longed for. On Wednesdays and Saturdays every prisoner must wash his feet, or rather *dip* them; for he has scarcely got his feet into the water when he is saluted by some warder in some such style as this: "What is that fellow doing there? There's no time for dabbling in the water. You didn't come here to play the gentleman. Some of you seem to think so. Get out of that at once!" These few are the only variations in the merciless routine of military prison life. It is, indeed, a merciless routine. In every command a prisoner obeys, in every action he does, he is made bitterly to feel that he is a prisoner. In sitting, standing, walking, running, eating, drinking, reading, working, in lying down or rising up, sleeping or waking, night or day, at parade or prayers, in sickness or in health,—he is made to feel the cold merciless hand of the law upon him.

When the petty nature of the offences for which the terrible punishment is inflicted is borne in mind, one reason is made palpable why "limited service" men will not re-engage. Royal commissions may sit and re-sit, put on a patch here and a patch there; but if the punishments of the British soldier be not mitigated, and the pensions augmented, the day is not far distant when to recruit the ranks British factories and workshops will have to be decimated by the conscription.

THE NEW GAOL OF 1908-1909.

Before giving a description of the New Gaol, to be erected at Bordeau, we may as well (and it will be interesting too) show the comparison between the earliest one in Montreal and the grand structure about to be built at Bordeau. One of these early gaols cost \$40,000, but this new one will, when completed, have cost \$1,000,000. This truly exemplifies what I have placed at the top of the title page of this Book, "From Darkness to Light," and my readers, when they have finished the work, will assuredly say to themselves, Did all these horrors, recounted in this history, actually have taken place in Montreal?

In the latest volume of the Archives of Canada (1906) I find mention recorded of the condition of the then (1783) existing prison. Carefully read this account and then as carefully read the description of our new and gigantic one soon to be an honor, not only to Montreal, but to the whole Province of Quebec.

The extract thus reads, is from a Report of "The Merchants of Montreal by their Committee to the Honorable Committee of the Council" at Quebec in A.D. 1783.

"The want of a proper gaol for the district has long been complained of, and at divers times has been represented by different grand juries, as well as at the Court of Oyer and Terminer as at the inferior Courts of Quarter Sessions, but hitherto no remedy has been applied. The House which at present serves for a gaol consists of four very small rooms, in which are frequently confined, promiscuously, persons of different sexes and for very different degrees of crimes. The unfortunate debtor cannot have a room to himself, nor can the malefactor when preparing for another world be accommodated with a place of retirement to deprecate the wrath of the offended Deity. The insufficiency of the gaol in point of security, occasions a guard of soldiers to be kept in the lower part of it, and even with

that precaution, many atrocious offenders have escaped, inso-much that the Sheriff of the district has refused to confine debtors, unless the prosecutor agreed to take upon himself the risk of an escape.

The situation of this insufficient gaol heightens the sufferings of those persons whom the law dooms to an imprisonment, offends every passenger in the warm season and is a nuisance to the neighborhood, being without those conveniences requisite to carry the filth accumulated by want of them."

Now read the description of our new gaol and remember that it has taken one hundred and twenty-five years to bring about this mighty change for the bettering of the criminal classes, in a building affording everything that can be found for the proper classification and supervision, by the authorities, of the inmates therein confined.

The plans, which are of the most elaborate character, and number over ninety, have been designed by Mr. Marchand, of the firm of Marchand & Haskell, in association with Mr. R. A. Brissard. They embody in entirety the recommendations made by Chevalier C. A. Vallee, the governor of the prison, in a report presented by him to the Hon. Lomer Gouin, the Prime Minister, last fall, and have been drawn under the personal supervision of Mr. Vallée.

Roughly, the buildings will be in the form of a wheel, with various blocks radiating like spokes from a large central rotunda. The whole will be enclosed by two walls—the first 18 feet in height, and the outside one 24 feet, there being a space of 18 feet between the two, round which the guards will constantly patrol.

The rotunda will be 120 feet in diameter, and will be so built that from each story a complete view can be obtained of the whole of the buildings to their farthest extremities. On one story the food will be served out to prisoners as they pass in from the yards on their way to the various cells. The next story will be entirely taken up by the Roman Catholic chapel, so built that the prisoners in any of the blocks can see the priest officiating at the altar, if necessary, simply by going to

their cell doors. As only about twenty-five per cent. of the prisoners are Protestants, the Protestant chapel is much smaller, one of the stories in the administration block being set apart for the purpose.

Governor Vallée is a strong advocate of the single-cell system, such as obtains in Belgium. 'It is,' he says, in his report, 'without doubt the most efficacious system for preventing the corruption engendered by promiscuity in our prisons, and the only one which will allow the work of reformation to be begun, always provided that one condition is observed, namely, that the prisoners are not kept idle. Work is an auxiliary indispensable to confinement in cells. For an individual thrown into almost absolute solitude, work becomes an imperious necessity. Far from being considered an aggravation of the penalty, it is welcomed as a benefit and a consolation; it alone can dispel the anguish and hallucinations consequent on incarceration, and the sadness of captivity; it alone can give forgetfulness of the present and confidence of the future. Without work, such isolation, if continued for any length of time, would be as useless as it would be inhuman.'

The ideas thus put forward have been kept constantly in view in planning the prison, and, as a consequent, each prisoner will be isolated—a condition which has been impossible in the present prison. Five or six aisles stretching out from the rotunda will be used for confining the prisoners. Each aisle will be two hundred and fifty feet in length, and there will be six rows of thirty-two cells in each. The cells for the condemned prisoners will be six feet three inches wide, eleven feet long, and nine feet in height. Those for the prisoners awaiting trial will be eight feet wide, eleven feet long, and nine feet high.

The administration building will, of course, be in front, and it will be 180 feet long by 32 feet wide. The space between each block will be used for exercising yards.

The whole plan is on the most up-to-date principle. Prisoners will be taken from the court house to the prison in electric cars, and after going through the usual examination on

entering, will be stripped naked, bathed and passed on to their cells, the whole of their old clothes being fumigated and pigeon-holed to await their discharge. The new prison will also allow of a complete classification of prisoners, as well as complete isolation of both the condemned and those awaiting their trial.

The plans provide for some twelve hundred cells, but as about five hundred cells for the condemned will suffice for several years to come, only three of the five aisles will be built above the basement for the present. The basement will be devoted to the various services in connection with the institution. The buildings, which will be fireproof, will be constructed in granite, cement, brick and terra-cotta.

As soon as the prisoners are in occupation they will be able to perform most of the unskilled labor that remains to be done.

CRIMINAL TABLES.

To exemplify the Previous Records.

CRIMINAL TABLE FROM A.D. 1812 TO A.D. 1840—(28 YEARS).

	Sentenced to be hanged		
	Hanged.	But Reprieved.	Total.
Murder	7	4	11
Burglary	12	39	51
Robbery	1	15	16
Shoplifting	2	2	4
Larceny	2	23	25
Horse, Cattle and Sheep Stealing	13	46	59
Forgery	1	9	10
Sacrilege	2	2	4
Arson	0	4	4
High Treason	12	93	105
Rape	2	2	4
	54	239	293

CRIMINAL TABLE FROM A.D. 1840 TO A.D. 1908—(68 YEARS).

	Sentenced to be hanged		
	Hanged.	But Reprieved.	Total.
Murder	15	20	35
Burglary	0	0	0
Robbery	0	0	0
Shoplifting	0	0	0
Larceny	0	1	1
Horse stealing, etc.....	0	0	0
Forgery	0	0	0
Sacrilege	0	0	0
Arson	0	0	0
House breaking	0	1	1
Felony	0	2	2
High Treason	0	0	0
Rape	0	0	0
	15	24	39

MONTREAL GAOL.

NAMES AND DATES OF PRISONERS EXECUTED.

OFFICIAL LIST.

1838	Dec.	21	Joseph Narcisse Cardinal.....	Patriot.
"	"	21	Joseph Duquette	"
1839	Jan.	18	Pierre S. Decoigne:.....	"
"	"	18	Ambroise Sanguinet	"
"	"	18	Francois Xavier Hamelin.....	"
"	"	18	Capt. Joseph Robert.....	"
"	"	18	Charles Sanguinet	"
"	Feb.	15	Charles Hindelang	"
"	"	15	Pierre R. Narbonne.....	"
"	"	15	Chevalier Delorimier	"
"	"	15	Amable Daunais	"
"	"	15	Francois Nicholas	"
1858	June	25	Marie Anne Crispin.....	Murder.
"	"	25	J. Bte. Desforges.....	"
1859	Dec.	16	J. B. Beaugard.....	"
1861	Sept.	6	Alexander Burns	"
1862	Oct.	31	John Mawn	"
1865	Nov.	17	Stanislas Barreau	"
1866	Nov.	23	James Mack	"
1871	Nov.	17	John Lee	"
1881	Dec.	9	Hugh Hayvren	"
1883	April	16	Timothy Milloy	"
1901	Dec.	13	Jos. Eru Laplaine.....	"
1902	June	13	Thorwald Hansen	"

NOTES, ETC., ON THE CASES OF JOHN LEE AND THORWALD
HANSEN MURDERS.

John Lee was not the proper name of this murderer. He never revealed his true name to me or to his own clergyman of the Lutheran faith. He came from Norway or Sweden. After being some time in prison awaiting his execution, he resolved to become a Roman Catholic. He did so, and died in that faith. A good deal of feeling was thus generated by certain ultra good citizens, both against myself and Rev. Mr. Richenberg, the Lutheran minister. The following letter shows that he visited the prisoner, and I, myself, repeatedly did so. As the same thing happened when Hansen, a Dane, was executed, I will append to the remarks about him a letter from the Governor of the Gaols which also shows (with a cutting from *La Presse*) the same thing:—

Montreal, October 4th, 1871.

Rev. and Dear Sir,

Having returned from a journey, I hear from Francis Müller, one of the former prisoners, that John Lee has resolved to become a Roman Catholic. I would like to go to him once more and hear this news from his lips, and should like to do it in *your company*. If you accept my proposition, please appoint day and hour and place where we can meet, and answer as soon as possible, and oblige

Yours,

C. F. W. RICHENBERG.

Hansen's case is quite similar to that of Lee's. He also, after some time in the prison awaiting trial and then after condemnation, attended the Protestant services in the chapel of the institution regularly until he changed his faith. The letter and clipping will explain all:—

From *La Presse*: “Durant ses nuits d'insomnie, Hansen, seul avec ses réflexions, repassait toutes ces circonstances étranges pour lui; et même quand le pasteur protestant venait lui faire

une courte visite et lui commenter les Ecritures, il pensait encore à sœur Rosalie, et au dévouement des chapelains de la prison."

Montreal, May 5th, 1902.

Rev. J. D. Borthwick, LL.D.,
Protestant Chaplain to the Gaols,
Montreal, P.Q.

Dear Sir:—

"Re prisoner Hansen."

Referring to the letter you received from the Secretary of the "Prisoners' Aid Association of Montreal," which you kindly communicated to me, I beg to affirm that the writer has been badly informed, for it is to my personal knowledge that you visited regularly, before and after the sentence, the prisoner Hansen. Moreover, as soon as you learned that Hansen had been sentenced to death you hurried to the gaol and informed me personally that you would bring the *Danish Lutheran Minister* to see him, and that you have done. Rev. Mr. Riopel, Danish Lutheran Minister, saw him several times since his condemnation.

I sincerely believe that you have done your best for the doomed man; but, as he told me himself on the 25th April last, when he asked to see the priest, *he had made up his mind since several months past to become a Roman Catholic.*

If you think proper, you may use this letter as you please and, at any time, I will gladly give any further information to inquiring parties.

I have the honor to be,

Reverend Sir,

Your obedient servant,

C. A. VALLEE,

Governor Montreal Gaols.

It is a remarkable fact, in reading over the long lists of criminals that have suffered the extreme penalty of the law and for murder for the past seventy years, that not one English, Scotch, Irish or Canadian Protestant has suffered for that

crime. Three Protestants, as Protestants, are amongst the number, but they were all foreigners. In the Immortal Dozen, whose death gave us Constitutional Liberty, a French Huguenot, Hindelang, suffered. The other two, Lee and Hansen, were German Lutherans, but, as before shown, both became Roman Catholics whilst in prison and died as such. In the list of those hanged from A.D. 1839 to the present day, to the credit of our Canadian fellow-countrymen, only five suffered, one of whom was a woman.

INTERESTING NOTE ON JACQUES CAZA.

Many years ago, Joseph Aubin and Jacques Caza, half-brothers, and sons of the same mother, lived together in Montreal. Caza was arrested on a charge of murder, and after a brief trial was sentenced to be hanged. The evidence against him was purely circumstantial, but of so powerful a character that the jury lost little time in bringing in a verdict against the prisoner. Hope of a new trial was abandoned, and the prisoner resigned himself to his fate, when Aubin appeared on the scene with his savings, amounting to about two thousand dollars, and engaged eminent counsel for Caza. After a desperate legal battle, the prisoner was given a new trial, with the assistance of the best legal talent in Montreal, he was finally acquitted. After his discharge Caza drifted to South America, finally settling in a large town in Chili, where, through some fortunate mining ventures he became very wealthy. Aubin, meanwhile, had drifted into Western Ontario, and went into the hotel business in a small way at McGregor. He heard nothing of his brother, and had long believed him dead. At last a large official-looking envelope arrived for Aubin, and when opened, was found to contain a bank draft for \$50,000, payable to his order. Accompanying the draft was a letter from Caza, informing his half-brother that he was alive and prosperous. He intended the \$50,000, he said, as a small payment on account of the debt of gratitude he owed Aubin for his generosity in Montreal so many years ago. An invitation was also given

Aubin to visit his brother in Chili, and the invitation was accepted. Aubin went to Windsor and deposited his wealth in a bank for safekeeping.

A PRISONER'S LETTER.

Montreal Gaol, 6th March, 1874.

Sir,

This being the last Sabbath that I have to pass in this prison, I cannot forget to render my sincere and everlasting thanks and prayers to you for what you have done for me in sympathy, in regard to my liberty and religious affairs. Now, these are my thanks and my hereafter prayers for you, May God and Heaven reward you and give you such blessings as He gave to King Solomon.

I remain,

Your most obedient servant,

SAMUEL.

LIST OF ADVOCATES AND NOTARIES IN MONTREAL, A.D. 1812.

Let me give the list of Advocates and Notaries in Montreal in the year 1812, the year of the war between Canada and the United States.

There were only thirty advocates in Montreal at this time, but what important names are found amongst them! How many figured afterwards on the Bench, at the Bar, or in Parliament, or on the stage of their country's history. The same may be said of the nineteen notaries, their names being found below the list of advocates—Stephen Sewell, Chas. F. Hamelin, Dr. Ross, Jos. Bedard, D. B. Viger, J. D. Lacroix, Ben. Beau-bien, Ross Cuthbert, Dr. Ogden, F. H. Bender, A. Levesque, J. R. Rolland, P. D. Debartzch, L. M. Viger (he was called Beau Viger), F. O. Quesnel, S. Gale, Hy. Georgen, T. P. Fortune, John Boston, L. Jos. Papineau, J. C. Herse, M. O'Sullivan, Alex. Reid, J. C. Routier, W. Davidson, H. Henry, Chs. Ogden, Alex. Elliot and Alexis Bownet.

The Notaries were as follows:—Jean Delisle, J. Jorand, J. Papineau, G. Beck, L. Chaboillez, J. G. Delisle, P. Lukin, J. M. Mondelet, Thos. Barron, Chs. Prevost, Louis Guy, Louis H. Latour, J. M. Cadieux, L. Sarrault, Jos. Roi, P. Mercier, A. Dumouchelle, Jos. Desautels, Thomas Bedouin and Henry Griffin.

LIST OF ADVOCATES IN MONTREAL, A.D. 1837-8.

Stephen Sewell, K.C., David Ross, K.C., Joseph Bedard, K.C., Hon'ble Denis B. Viger, Janvier D. Lacroix, B. Beaubien, F. H. Bender, Ant. L. Levesque, Hon'ble P. D. Debartzch, Louis M. Viger, F. A. Quesnel, Samuel Gale, John Boston, Hon'ble L. J. Papineau, M. O'Sullivan, Hugues Henry, Chas. R. Ogden (Sol. Genl.), Alexis Bourret, James C. Grant, D. B. Rollin, Samuel W. Monk, Alex. McMillan, Toussaint Peltier, Geo. S. Henshaw, William Walker, Peter N. Rossiter, Alex. Buchanan, C. C. S. DeBleury, D. Mondelet, Philippe Bruneau, Robt. Morrough, Hyp. St. George Dupré, C. S. Cherrier, C. J. E. Mondelet, Hypolite Guy, E. A. Clark, J. S. McCord, Henry Driscoll, Pierre Bibaud, Wm. Badgley, Frederick Griffin, Wm. Ryan, John Stanley, J. H. Johnson, Daniel Salmon, John Bleakly, James G. Scott, Francis P. Terroux, Duncan Fisher, Campbell Sweeney, Edward T. Jones, C. D. Day, E. E. Rodier, Arthur Ross, Levi Adams, Thomas Nye, Thomas Barron, James Smith, Augustin N. Morin, P. B. T. de Montigny, S. C. Radiger, J. M. H. Lennox, Léon Gosselin, Pierre Moreau, John Sexton, William K. McCord, Louis Hyp. Lafontaine, John Usher, Hugh Taylor, Robt. Armour and John Pickel.

FINALE.

Having now finished my labors of the History of the Eight Prisons, which are or have been in Montreal from 1760 to 1908, and when looking over the whole work, I congratulate myself that these pages present to the general public one of the most interesting, if not the most interesting volume of truths

and facts ever published in the Province of Quebec, perhaps, in the Dominion of Canada.

Many books are and have been published, books of fiction, of poetry, and such like, which alone have sprung from their author's imagination, but this last volume, which I now place before the public, is from beginning to end *all solid truths*.

The collection and investigation of all these facts have cost me many weary hours. My privileges have been great, by being permitted to transcribe from the old records of the Court House and Gaol, all the items recorded in this volume, and to bring to light hundreds of historical facts and events, many of which were entirely unknown till I brought them forth to light.

With these remarks, I make my editorial bow and retire, sincerely hoping that many a reader will find something within the book that he, perhaps, has been looking for, for years past, either as an historical fact, or to settle a disputed point between himself and another. Scores of times in the past have I, both by letter and telephone, been requested to tell of a certain event connected with Montreal, and I generally was able to satisfy the enquirer.

J. D. B.

Finis.

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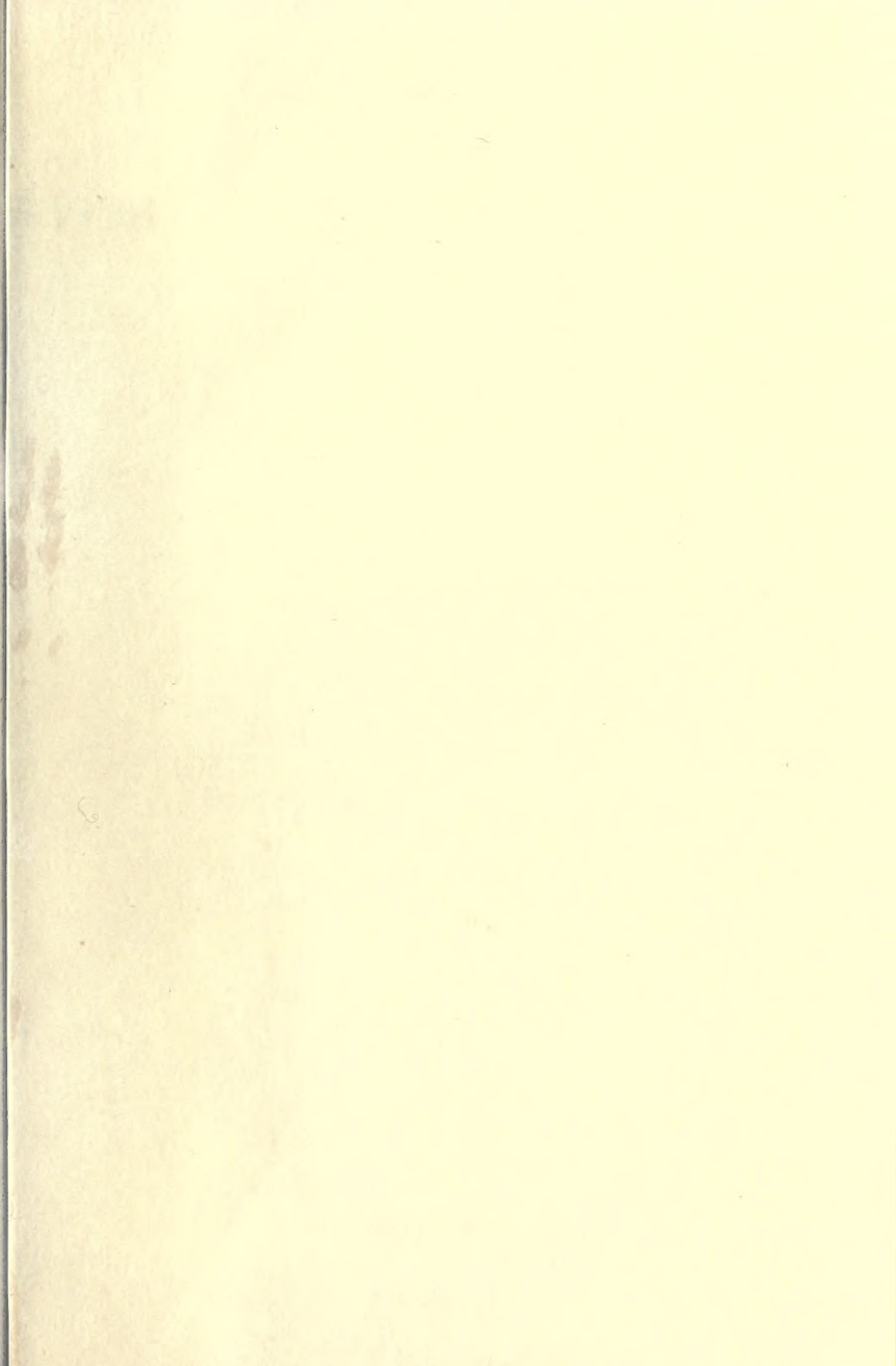
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